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ART. I.—*The Laws of Population and Wages.*

1. *Two Lectures on Population, delivered before the University of Oxford in Easter Term*, 1828. By NASSAU WILLIAM SENIOR, late Fellow of Magdalen College, A. M., Professor of Political Economy. To which is added, a Correspondence between its Author and the Rev. T. R. Malthus. 8vo. pp. 90. London. 1828.
2. *Three Lectures on the Rate of Wages, delivered before the University of Oxford in Easter Term*, 1830; *with a Preface on the Causes and Remedies of the present Disturbances.* By the same. 8vo. pp. 62. London. 1830.
3. *Three Lectures on the Cost of obtaining Money, and on some Effects of Private and Government Paper Money, delivered before the University of Oxford in Trinity Term*, 1829. By the same. 8vo. pp. 103. London. 1830.

The author of these works appears before the public under the imposing character of Professor of Political Economy in the University of Oxford. This Professorship is a recent establishment. It was founded by the munificence of a private gentleman, Henry Drummond, Esq., upon a plan, as far as we are informed, before untried. The Professor is appointed for five years, and is bound by the charter to publish annually one or more of his lectures. He is not eligible for a second term. One object of this arrangement is understood to be that of obtaining successively from the same chair, a developement of the different, and in some respects contradictory theories,

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which prevail in different circles respecting some of the leading points in the science. It was also probably supposed, that, as the acceptance of a Professorship of this description would not be understood to involve an abandonment of other pursuits, a competent person might be secured at less expense than would be necessary on the usual system. Without inquiring at present whether the new plan be or be not on the whole an improvement, we have no hesitation in saying, that we know of no way in which the required amount of funds could have been employed with better effect for the advancement of knowledge, and the permanent satisfaction and reputation of their owner, than in founding this Professorship. We cannot but hope that the example may serve as a guide to the liberality of some of the munificent patrons of learning in this quarter of the Union, where there is yet no establishment devoted exclusively to instruction in this most important subject.

Mr. Senior, the first Professor on the foundation of Mr. Drummond, and whose term of service has, we believe, already expired, appears to have exhibited an industry and zeal in the discharge of his duties, which is creditable to himself, and may be thought to afford a favorable comment on the results of the new plan. His labors, though conducted with a laudable spirit, do not, however, strike us as of any great importance to the science; but as they have attracted some attention in this country, and have even been republished *in extenso* in some of our best newspapers, it may be proper to give them a passing notice. We shall take the different works in the order in which they were published, and first, the Two Lectures on Population.

The causes that regulate the state of population and the effects that result from its increase and diminution, have been for many years past regarded, and with justice, as among the most interesting questions in political economy. The objections to the theory of Malthus on this subject have been repeatedly stated in this journal, and we have, on the same occasions, submitted to the consideration of our readers, what we consider as a more correct opinion.* The principles of Malthus were never, we believe, very generally adopted in this

* See our reviews of A. H. Everett's work on Population, Vol. XVII. p. 288; of McCulloch's Political Economy, Vol. XXV. p. 112; and of Phillips's Manual of Political Economy, Vol. XXXII. p. 215.

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country, and appear at present to be gradually losing ground in England, although they are still maintained in the Edinburgh Review, the journal which was chiefly instrumental in recommending them to the public, and the only leading one which has given them a steady and consistent support. Few of the most recent writers on political economy acquiesce in all his conclusions, and many reject them entirely. Mr. Sadler, for example, in a late work, to which we have already adverted, and which we may perhaps hereafter notice in greater detail, has attacked the whole system with great power and success, although he has not, we think, been equally fortunate in establishing another on its ruins. Mr. Senior, though disposed in the main to adopt the principles of Malthus, is evidently shocked and disgusted with his practical conclusions, and endeavors to escape from them by some ingenious distinctions, which, however, he seems at last in a great measure to abandon in the Correspondence, which forms the Appendix to the Lectures. Before we examine the peculiar views of our author, we will briefly recapitulate,—for the purpose of refreshing the memories of our readers,—the leading points of the system of Malthus, and the objections to which, as we conceive, they are liable.

These points, when divested of the mathematical phraseology, under which they were first proposed, are as follows.

1. Population, under ordinary circumstances, increases regularly with great rapidity, excepting so far as it is checked by a deficiency of the means of subsistence.

2. But the means of subsistence at the disposal of any given community, are limited to the produce of the territory it occupies, and can only be increased very slowly and to a comparatively small extent.

3. Therefore, population, at all times and places, regularly outstrips the means of subsistence; thus producing a constant disproportion throughout the world, between the demand for food and the supply of it, or, in other words, a necessary, permanent and universal famine.*

The first of these propositions, Mr. Malthus considers as proved by the single fact of the increase of population, that

* 'At every period during the progress of cultivation, from the present moment to the time when the whole earth shall become like a garden, the distress for the want of food will be more or less constantly pressing on mankind.' *Essay on Pop.* II. 220.

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has taken place in these United States; and the second he declares to be self-evident.* The premises being admitted, the conclusions obviously follow of course. The natural disproportion between the demand for, and the supply of, the means of subsistence, which is supposed to be proved by this argument, is considered by its author as the real cause of all the moral and physical evil to be found in the world; and as it is a result of the standing laws of nature, its effects, although they may be in some slight degree palliated, are in the main irremediable. All attempts to bring about any considerable improvement in the existing condition of society, are consequently hopeless, and can only end in disappointment. In the practical application of his conclusions, Mr. Malthus recommends that marriage should be as much as possible discouraged among the mass of the people, and that all public provision for the poor should be abolished. The exercise of private charity, although he does not absolutely prohibit it, has, on his principles, no other operation than to create in one quarter an amount of distress exactly equal to that which it relieves in another.

These doctrines, revolting as they are, are, nevertheless, as we have just remarked, necessary conclusions from the premises of Malthus, and for all who admit the reality of our social and benevolent feelings, amount to a *reductio ad absurdum* of those premises. The objections to the argument, precisely stated, are as follows.

1. Population does *not*, under ordinary circumstances, regularly increase with great rapidity, excepting so far as it is checked by a deficiency of the means of subsistence. The state of population is regulated exclusively by political and moral causes. It has no where, except in cases of accidental scarcity, been, at any time, checked by a deficiency of the means of subsistence; but is, nevertheless, so far from regularly increasing with rapidity, that the population of the globe is not supposed to be greater now than it was four thousand years ago. The United States of America afford an example of a community in which population has increased, for a certain time, with great rapidity; but this example no more proves that such an increase is the general law of population, than the decrease of

* 'The first of these propositions, I considered as proved the moment the American increase was related; and the second proposition as soon as it was communicated.' *Essay on Pop.* II. 453.

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population during the same period among our Indian tribes on this continent proves the contrary.

2. The supply of the means of subsistence at the disposal of a given community is *not* limited to the produce of the soil they occupy, but is determined by the effectual demand, that is by the amount of other produce which they have to give in exchange. Hence an increase of population, however rapid it may be, will always be attended by a proportionate increase in the supply of the means of subsistence, provided it be attended, as it naturally must be, with a proportional increase in the amount of labor. If the supply of the means of subsistence afforded by the territory occupied by a given population be exhausted, they employ themselves in making other articles which they give in exchange for the produce of other territories, and the effect of this change is often to reduce instead of raising the cost of provisions. Thus, the manufacturers of the interior of New England are able, at the present moment, to obtain the grain of the Middle States at a less cost than that for which the cultivators in their neighborhood raise their own upon the spot.

3. Both these objections operate directly against the premises of Mr. Malthus, and are each fatal to his argument. It is also liable to another still more decisive objection, which is, that the conclusion is not only not satisfactorily established, but is precisely opposite to that which follows from the true principles of political economy, as applied to this subject; and when these are known, of course falls of itself. In fact, the increase of population, instead of being, as Mr. Malthus supposes, a cause of scarcity, is a cause,—indeed almost the only real and permanent one,—of abundance. It is generally admitted, that the division of labor is the principal means of increasing its productiveness; while it is equally apparent, on the other hand, that the division of labor is occasioned immediately by the increase of population. An increase of population is, therefore, naturally followed by an increase in the productiveness of labor, and of course in the amount of its products as compared with the labor required for producing them. In other words, it is followed by an increased abundance and cheapness of all the necessaries and comforts of life. We find, accordingly, that the real price of provisions is every where uniformly lower and steadier in direct proportion to the density of the population, and not to the fertility of the soil. In Holland, for instance,

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one of the most populous, and at the same time, barren regions of the globe, the price of provisions has always been lower and steadier than in almost any other part of Europe. If, then, an increase of population be, in reality, a principle of prosperity and abundance, it is plain that any theory, which undertakes to prove that it is a principle of scarcity, must be,—independently of any direct objection to it,—sophistical and false.

Having thus briefly stated the leading features of the theory of Malthus, and what we consider as the objections to it, for the purpose of refreshing the memories of our readers as to the points in controversy, we shall now proceed to examine the views exhibited in the work before us.

We may remark, in the first place, that Mr. Senior admits without hesitation, both the leading propositions of Malthus.

'We have seen,' says he, 'that as a general rule, additional labor employed in the cultivation of the land within a given district, produces a less proportionate return. And we have seen, that such is the power of reproduction and duration of life in mankind, that the population of a given district is capable of doubling itself at least every twenty-five years. It is clear, therefore, that the rate at which the production of food is capable of being increased, and that at which population, if unchecked, would increase, are totally different.'

The premises of Mr. Malthus being admitted, the conclusions which he draws from them, as we have already remarked, are irresistible. If population naturally increase very rapidly, and food very slowly, it is perfectly obvious, that there must be, as that writer says there is, at all times and in all parts of the world, a constant disproportion between the demand for, and supply of food; or, in his own phrase, a constant pressure of population against the means of subsistence. Mr. Senior, however, though he fully admits the premises, does not appear to relish the conclusion. He cannot shut his eyes to the plain fact, that an increase of population has been generally followed, wherever it has taken place, by an increased abundance of the necessaries and comforts of life. On this subject, he has the following remarks.

'I have nothing to do at present with those portions of capital, which consist of the materials and implements of labor. That they have increased far more than in proportion to the increase of population, is almost too obvious to remark. My present sub-

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ject is the relative increase of subsistence. If, after an increase of population, the means of subsistence continue to bear the same proportion to the number of inhabitants as before, it is clear that the increase of subsistence and of numbers has been equal. If the means of subsistence have increased much more than the number of inhabitants, it is clear that the contrary proposition is true, and that the means of subsistence have a natural tendency to increase faster than population.

'Now what is the picture presented by the earliest records of those nations which are now civilized? Or, which is the same, what is now the state of savage nations? A state of habitual poverty and occasional famine. A scanty population, but still scantier means of subsistence. If a single country can be found, in which there is even less poverty than is universal in a savage state, it must be true, that, under the circumstances in which that country has been placed, the means of subsistence have a greater tendency to increase than the population. *Now this is the case in every civilized country.* If it be conceded, that there exists in the human race a natural tendency to rise from barbarism to civilization, and that the means of subsistence are proportionally more abundant in a civilized than in a savage state,—and neither of these propositions can be denied,—it must follow, that there is a natural tendency in subsistence to increase in a greater ratio than population.'

The reader will perceive, that Mr. Senior, after admitting, with Malthus, that population naturally increases much more rapidly than food, now deduces from his own observation of facts, the conclusion, that food naturally increases much more rapidly than population. It might be thought at first view somewhat difficult to reconcile these two propositions; but our author strenuously insists throughout the work, and in his correspondence with Mr. Malthus, that there is, in truth, little or no difference of opinion between himself and that writer. His argument is as follows.

Population naturally increases faster than the means of subsistence, but the desire which every man feels of bettering his condition, which is the motive that induces him to endeavor to increase his means of subsistence, and which leads him to live single while his circumstances are narrow,—in one word, the *moral restraint* of Mr. Malthus,—naturally increases with the progress of society, and checks the increase of population to an extent that more than counterbalances its natural tendency to increase faster than food. The consequence is, that

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though population *naturally* increases much faster than food, food *actually* increases much faster than population.

But how does it appear that this desire of bettering our condition, and the *moral restraint* which it produces, actually increase with the progress of society? Mr. Senior argues the point in this way.

'As wealth increases, what were the luxuries of one generation become the decencies of their successors. Not only a taste for additional comfort and convenience, but a feeling of degradation in their absence, becomes more and more widely diffused.'

That is, more persons will rather dine alone on champagne and chickens, than share their roast beef and pudding with a wife and family. Without stopping to inquire how far such a preference would evince a correct notion of the true sources of happiness, we must remark, that the argument of Mr. Senior appears to us to be unsound. Independently of other objections that might be made to it, it evidently assumes the point to be proved. He wishes to show, that in the progress of society, the means of subsistence regularly increase faster than the population; and begins by assuming that in the progress of society *wealth* increases. Now the precise meaning of an increase of wealth is an increase of the means of subsistence relatively to the population; so that, in making this assumption, he falls into the common error of taking for granted the question in dispute. But this is not all. After taking for granted, without proof, the point he wishes to prove, Mr. Senior, in the next following sentence, attempts to establish it on grounds inconsistent with those he had gone upon before, although, in our opinion, much more tenable. He has, in fact, in this passage, hit upon a principle, which, if he had been aware of its importance, and followed it out into its consequences, would have rectified his theory on the whole subject. The sentence immediately succeeding the one last quoted, is as follows.

'The increase, in many respects, in the productive power of labor, which naturally takes place in the progress of society, must enable increased comforts to be enjoyed by increased numbers, and as it is the more beneficial, so it appears to me to be the more natural course of events, that increased comfort should not only accompany but rather precede increase of number.'

In this passage, the increase of the means of subsistence relatively to population, or, in other words, the increase of

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wealth, which was just before attributed to an increased prevalence of the so-called *moral restraint* of Mr. Malthus, is now attributed to an increase in the productive power of labor. This statement of two opposite theories in two successive sentences, without any apparent feeling of their inconsistency, shows that Mr. Senior had not taken a clear and comprehensive view of his subject. Of the two theories, the latter is undoubtedly the true one. It is substantially the same with the one which we have stated above as an indirect answer to Malthus; namely, that the increase of population naturally leads to a division of labor, and consequently to an increase in its productive powers. Mr. Senior sees the fact, though he has not seen the importance of it, or felt its inconsistency with his own general system. It is much to be regretted, that, having thus accidentally fallen upon the great truth which really governs the whole subject, the learned Professor should have been so little conscious of its value, that he has turned it to no account, and, in fact, never alluded to it, excepting in this single sentence. Had he given it due weight, it would, as we have remarked, have revolutionized his whole book.

Such, however, is the mode in which our author endeavors to reconcile the premises of Malthus with facts directly contradictory to his conclusions. In supposing, as Mr. Senior does, that the increasing prevalence of moral restraint counteracts the supposed tendency of population to increase more rapidly than food, so as to prevent it from pressing against the means of subsistence, he is wholly at variance with Malthus, as will be recollected at once by all who are familiar with the Essay on Population. It is constantly maintained throughout that work, that, although there may, in the progress of society, be some little increase in the influence of moral restraint, which will palliate in a slight degree the tremendous evils, that are supposed to result from the law of population, yet, that in the main, the principles of human nature will remain as they have always been; and that the evils in question are, under some slight variation of form and extent, necessary and perpetual. This, we say, is the view of Malthus. Mr. Senior, as we have seen, has adopted a different one, and believes that as society advances, a constantly increasing moral restraint overcomes the power of population, and prevents it from exercising its naturally disastrous influence. Notwithstanding this essential difference between their respective theories, Mr. Senior, who

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has a talent for reconciling inconsistencies, seems to have satisfied himself that they are perfectly agreed, and has undertaken to convince Mr. Malthus that such is the fact. A correspondence, which has taken place between them on this point, is published as an appendix to the Lectures, and, for such as feel an interest in the subject, forms a very amusing chapter of literary history. We would willingly, if we had it in our power, copy the whole of these letters, but our limits will only allow a short notice of their contents. In the first, Mr. Senior politely addresses his Lectures to Mr. Malthus, and informs him that he at one time supposed that there was a great difference of opinion between them, but that, on further examination, he has ascertained that this difference is comparatively trifling, and in a great measure verbal. Mr. Malthus, in his answer, acknowledges the kind intentions of Mr. Senior in attempting to reconcile the difference between them, and then proceeds to point out, distinctly and forcibly, the nature of this difference, as described above. In a second letter, written in reply to this, Mr. Senior admits that the difference is somewhat greater than he had supposed it to be, and professes his intention to make it smaller, which he proceeds to do, by giving up substantially the whole of his own ground. After stating in his Lectures, that 'it is the natural course of events, that increased comfort should not only accompany, but precede increase of numbers,' and that there is a 'natural tendency in subsistence to increase in a greater ratio than population,' he now, in the first place, denies that he has asserted any thing like a universal increase of the proportion of subsistence to population, affirming that he 'only meant, that the cases in which food has increased in a greater ratio than population, are more numerous than those in which the reverse has occurred;' and at length 'freely admits, that in all old countries, perhaps in all countries whatever, population is always pressing against food.' Mr. Senior having thus given up the whole ground in dispute, Mr. Malthus very naturally informs him, in reply, that, according to the view taken of the subject in his last letter, there is in fact no essential difference between them; after which Mr. Senior winds up the correspondence by a concluding epistle, in which he remarks, with much apparent satisfaction, that 'our controversy has terminated, as I believe few controversies ever terminated before, in mutual agreement.' He does not seem to recollect, that when one of

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the parties gives up his point, and adopts the opinion of his adversary, it is difficult for any controversy to terminate in any other way.

On the whole, we cannot consider the work of Mr. Senior as particularly honorable either to himself or to the ancient and venerable literary institution, under the sanction of which it is ushered into the world. On this very interesting question he gives us a meagre and scanty disquisition, which, though announced and published as Two Lectures, would not occupy in delivery more than one hour. The greater part of it is a mere repetition of the leading doctrines of Malthus, including extensive citations from the works of his disciples; and the few observations, in which Mr. Senior proposes opinions of his own, are, as we have seen, substantially abandoned in the correspondence at the close. His book is, therefore, a republication, in an abridged and very inferior form, of a previously well known system, and makes no important addition to the stock of facts, theories, or established principles already in possession of the public.

The Three Lectures on the Rate of Wages are not much more satisfactory than the two on Population. These subjects are, as our readers are aware, intimately connected. The theory on the rate of wages, now generally received among the British economists, is a necessary deduction from the theory of Malthus on Population; and as Mr. Senior substantially acquiesces in the latter, we should naturally expect, that in this part of his work, he would have made a new statement of the former. But he has not even done as much as this; and we are really surprised, that a person of education and apparent good sense, should have supposed that he was doing even formal justice to this branch of the inquiry in the very few observations, which are here made upon it. The only passage in the Three Lectures, which treats directly of the principles that regulate the rate of wages,—the most important branch, as Mr. Senior himself declares, of political economy,—is the following at the beginning of the second Lecture.

'The question to be answered is, what are the causes which decide what in any given country, and at any given period, shall be the quantity and quality of the commodities obtained by a laboring family during the year?'

We may remark here, that the question is incorrectly stated.

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The object is not to ascertain what *in any given country and at any given time*, shall be the quality and the quantity of the commodities obtained by a laboring family during the year. It is not, for example, the object to ascertain what shall be the quantity and the quality of the commodities obtained by a laboring family during the present year, on the island of Nantucket. This may depend upon the success or failure of the whaling expeditions of the preceding year, or various other circumstances of an accidental character. The real question is, what are the principles which, operating at all times and in all countries, excepting so far as their operation is disturbed by accidental causes, determine the quantity and quality of the commodities which are received in compensation for labor? So much for the question; let us now see Mr. Senior's answer.

'The principal cause appears to me to be clear. The quantity and quality of the commodities obtained by each laboring family during a year, must depend on the quantity and quality of the commodities directly or indirectly appropriated during the year to the use of the laboring population, compared with the number of laboring families (including under that term all those who depend on their own labor for subsistence), or, to speak more concisely, on the fund for the maintenance of labor, compared with the number of laborers to be maintained. This proposition is nearly self-evident.'

We cheerfully concede to Mr. Senior, that this proposition is not only nearly, but quite self-evident. There cannot be a reasonable doubt, that the amount of wages, received by each individual of the laboring class, is equal to the amount received by the whole class, divided by the number of individuals. In like manner, it is quite apparent, that the amount of wages received by the whole class, is equal to the aggregate of the quantities respectively received by all the individuals. But we would venture to ask the Oxford Professor, what light either of these arithmetical truisms throws upon the principles which regulate the rate of wages? If a person were to inquire of Mr. Senior, at what rate he was paid by his pupils for the privilege of attending his Lectures on Political Economy, and he should answer, that the amount which he received from each pupil was equal to the amount received from the whole class, divided by the number of individuals; and that, on the other hand, the amount received from the whole class was equal to the amount received from each pupil, multiplied by this num-

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ber, the inquirer would unquestionably reply, that he was no wiser than he was before, and would doubtless suppose that Mr. Senior considered him impertinent, and was endeavoring to evade his question by an innocent, though not very ingenious, piece of pleasantry.

Such, if our readers will believe us, is the only passage in the Three Lectures on Wages, in which Mr. Senior treats directly of his main subject. The principle he advances, such as it is, is so very clear, that it would, we should imagine, be freely admitted by every one. It is, in fact, neither more nor less than the common axiom, that the whole is equal to all the parts, and that all the parts are equal to the whole. Mr. Senior seems, however, to suppose, that it is inconsistent with a number of opinions received as true in respectable quarters, and devotes the whole of the Second and Third Lectures to an examination and refutation of these opinions. The First Lecture is taken up with a preliminary inquiry into the difference between the rate of wages and the price of labor, in which the Professor endeavors to show, that a workman who is paid by the piece is not paid by the day, and that one who is paid by the day is not paid by the piece;—a proposition no less lucid and pregnant than the general principle.

It appears, in short, that Mr. Senior has given no account whatever, in the work before us, of the causes that regulate the rate of wages. The common opinion upon this subject,—which follows as a necessary corollary from the systems of Malthus, and in which Mr. Senior, who in substance adopts that system, might have been expected to acquiesce,—is as follows.

The price of labor, considered as a marketable commodity, is regulated like that of every other, on the principle of demand and supply. If the supply be just equal to the demand, the article commands a fair and natural price, that is, the cost of production. If it fall short of the demand, the price rises, and if it exceed the demand, the price falls. But, in consequence of the law of nature (supposed in this theory) by which population is always outstripping the means of subsistence, the market for labor is regularly overstocked, and the article sells, of course, at a minimum price, that is, at the lowest price which will enable the laborers to maintain themselves and their families in the meanest way consistent with the usages of the community, and bring up children enough to sustain the popu-

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lation at the existing height. If the price of labor fall below this point, that is, if the laborers have not enough to maintain themselves at the meanest possible rate, population diminishes, the supply becomes smaller in proportion to the demand, and wages are increased. If the price of labor rise above this point, that is, if the laborers have more than enough to maintain themselves at the meanest possible rate, population increases till the supply again exceeds the demand, and brings down wages to their former rate. On this system, the laborers, that is, the mass of the people, however skilful, ingenious, industrious, prudent, and temperate, can never realize any thing more, as the reward of their labor, than the mere necessaries of life of the meanest kind, without having it in their power, by any exertion of industry, or exercise of economy, to lay up a stock for their old age, or educate more than a limited number of children.

Such is the system now generally received among the political economists of England, who adopt the theory of Malthus, and which Mr. Senior, if he be true to his principles, must be supposed to hold. But, as we have already remarked, neither this nor any other theory on the subject, appears in his work. Why he has omitted to state the only theory consistent with his principles; why, in a work professedly treating of the principles that regulate the rate of wages, he has omitted to state any theory whatever on the subject, are questions which we need not here examine. The theory, of which we have just given the outline, and which is generally received by the modern school of British economists, although a necessary conclusion from their system on population, appears to us to be entirely at variance with experience. The true principles, on the view that we take of the subject, are as follows.

The reward or wages of labor, are its products. No individual will exchange an article, which has cost him the labor of two days, for a quantity of silver, or any other commodity, which has cost another person the labor of only one. In other words, the exchangeable value of all articles is determined by the labor employed in their production. This principle is generally admitted; and this being the case, it follows, that the laborer either retains, as the reward of his labor, the article which he has produced, or exchanges it for another, which is the product of an equal amount of labor; and in either case he receives alike, as the wages of his labor, the whole of its

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produce. This we conceive to be the general rule that governs the whole subject.

It is admitted by Adam Smith, that this is the case in the earlier stages of society; but he conceives, that with the division of labor, and the accumulation of property, a new state of things grows up. The laborer now works upon the land or with the capital of others, and must give out of the gross amount of his produce a large share to the landlord and the capitalist, to remunerate them for the use of their property. But this fact, though no doubt true, does not interfere at all with the general principle, that the laborer receives in all cases, as wages, the whole amount of the products of his labor. A laborer, by working with the capital, or upon the land of some other person, renders his labor a great deal more productive than it otherwise would be. If he were to retain, as wages, the whole of what he can produce under these advantages he would receive not only the whole produce of his own labor, but a great deal more. When the laborer, the capitalist, and the landlord divide between them, in fair proportions, the gross produce of the enterprise in which they are all engaged, each receives, in fact, the whole produce of his own labor; and this must always take place, because, if labor realized in the form of land or capital, afforded a less return than when employed in turning to account the land or capital of others, it would of course be transferred from one of these departments to the other. In other words, rents and profits would fall, and wages rise until the balance was restored.

As a general principle, therefore, the laborer receives in wages a fair equivalent for the whole produce of his labor. The average rate of wages in each particular trade or profession, is equal to the average produce of the labor of an individual, for the time in question, in such trade or profession. The average rate of wages in each particular community is equal to the average produce of the labor of the individuals composing such community, a fair allowance being first made for the circumstances which produce a nominal inequality in the returns of labor of different kinds. Hence it is, that the rate of wages varies in different communities at the same time, when estimated in the same article, according to the different degrees of industry that distinguish their inhabitants. If a citizen of the United States habitually do twice as much work in a day as an Englishman, and three times as much as a Hindoo, he will

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of course receive, as the direct produce of his labor, or in some equivalent, for example, silver, twice as much as an Englishman, and three times as much as a Hindoo. In other words, the rate of wages in these three communities will be respectively as three, two, and one.

Mr. Senior, in his Three Lectures on the Cost of Obtaining Money, attributes the difference between the rates of wages in different countries to the difference between the degrees of skill, diligence, or accidental advantages under which labor is applied by their respective inhabitants.

'The average annual wages of labor in Hindostan,' he remarks, 'are from one pound to two pounds troy of silver a year. In England they are from nine to fifteen pounds troy. In Upper Canada and the United States of America, they are from twelve pounds troy to twenty pounds. Within the same time, the American laborer obtains twelve times, and the English laborer nine times as much as the Hindoo.'

After examining several theories, that have been proposed on this subject, he proceeds to remark, that

'The only mode by which he can account for the phenomenon, is by supposing that the diligence and skill, with which English labor is applied, enable the English laborer to produce in a year exportable commodities equal in value to those produced in a year by eight Hindoos; and that the diligence and skill with which North American labor is applied, *inferior as they are to our own*, yet by the assistance of the fertile soil, which he cultivates, enable the North American laborer to produce exportable commodities more than one fourth more valuable than those produced by the Englishman in a given time, and more than ten times more valuable than those produced by the Hindoo;—or to use a more concise expression, that labor in England is eight times as productive of exportable commodities as in Hindostan, and labor in North America is one fourth more productive of exportable commodities than in England.'

In attributing,—as Mr. Senior does in this passage,—the differences between the rates of wages in different countries, estimated in money, partly to corresponding differences in the productiveness of labor, resulting from the differences of skill or natural advantage under which it is applied, he seems to have overlooked the circumstance, that the only permanent effect of an increase in the skill or natural advantages under which labor is applied, is to render its products more abund-

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ant, but not to raise their value in comparison with other articles in regard to which no such increase has taken place. In consequence of the improvements in the mode of making cotton cloth, the same amount of labor which formerly produced one yard, will now produce three or four; but we are not to suppose that the laborer receives as the wages of the labor thus employed, three or four times as much silver as he formerly did. The effect is not to raise the rate of wages, but to reduce the value of cotton cloth. In the same way, if, in consequence of the cultivation of new soils of a superior quality, the same amount of labor, which before brought into market ten bushels of grain, would now bring twenty, the result would be, not that the produce of this amount of labor would exchange for twice the quantity of silver that it did before, but that a bushel of corn would exchange for half as much. And in general, if in consequence of superior science or natural advantages, the labor of England be twice as productive as that of Hindostan, it will follow, not that England will obtain from the mining countries, in exchange for the produce of a given amount of labor, twice as much silver as Hindostan, but that the mining countries will obtain from England in exchange for a given amount of silver, twice as many articles as they did before from Hindostan, and that the products of the latter country will be driven out of the market.

The different degrees of skill and natural advantages, under which labor is applied in different countries, have, therefore, —as a general rule,—no influence in producing the differences in the money price of labor. These, as far as they are permanent, are occasioned almost wholly, if not exclusively, by corresponding differences in the activity and diligence of the laborers. If, all other circumstances, including skill and natural advantages, being equal, one laborer works a given time with twice as much activity and diligence as another, he will produce within that time, twice as many articles of equal value, and may, if he think proper, by exchanging them for silver, realize twice as much money. It is not, therefore, the superior methods of the English laborer, but his superior diligence and activity, which raise his wages above those of the Hindoo; and in like manner, it is not, as Mr. Senior supposes, the greater natural advantages under which labor is applied in this country, but,—however unwilling he may be to

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acknowledge it,—the superior activity and diligence of the American laborer, which raise the rate of wages in the United States, still higher than it is in England.

Mr. Senior has pushed his theory on this subject to an extent which is really curious. He not only supposes that an improvement in the methods of applying a particular kind of labor,—as, for example, that employed in making cotton cloth,—instead of rendering cotton cloth cheaper, as is really the case, raises the money price of the labor of the weaver and the spinner, but he farther supposes that the money price of all other labor is raised in the same proportion, by the same cause. The argument is, that there cannot be two prices for labor in the same community, and that if the cotton manufacturer, by improving his machinery, increase the money price of his labor, the wages of the woollen and iron manufacturer, the cultivator, and in short, of the whole class of laborers, that is, the whole community, must rise in the same proportion. 'If,' says he, 'any improvement in the skill by which English labor is assisted, should so raise the value in the foreign market of English manufactures, as to raise the wages of manufacturers from fifteen to thirty shillings a week, the same effect would be produced, as if in a mining country, the cost of producing silver were diminished one half,—*though the labor of the agricultural laborer would not become more productive than before, yet his wages would also be doubled*,—or the former proportion, founded on the experience of the comparative disadvantages of each occupation, would not be preserved;' that is, in other words, the introduction of the power-loom, instead of lowering the money price of cotton cloth, raises the money wages of the labor of the person employed in making it; and not only this, but raises the money wages of all other laborers, particularly the agricultural class, in the same proportion. On the principles of the modern British economists, which Mr. Senior appears to have adopted, any rise in the wages of the agricultural laborer, is attended by an exactly proportional diminution in the profits of the person who employs him. But on this occasion, even this favorite principle of the Malthus and Ricardo school is made to give way. At the same time that wages are doubled, profits are also doubled. Rent is doubled. In short, on the system of Mr. Senior, every man, woman and child in the community, gets twice as much money for a given amount of labor as before, because a yard of cotton cloth can

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be now made with a third or a fourth part of the labor that was formerly necessary.

Mr. Senior remarks upon this singular piece of reasoning, that 'he has in vain sought for a flaw in it,' and talks in the same connexion, with much complacency, of the *public ignorance*. We would venture to ask him, whether it be not a flaw in his argument, that he has left entirely out of view the effect of competition in reducing the price of an article, in the manufacture of which an improvement has taken place. If the first cotton manufacturer who employed the power-loom, were to persist in selling his cotton cloth to the mining countries at the old money price, and could thus afford to pay his workmen double wages, another would immediately establish a manufactory of the same kind in his neighborhood, and would sell his article at a reduced price, until the reward of this kind of labor had fallen to the level of all the rest. Mr. Senior himself remarks on the subject of the reward of labor in the mining countries, that if the wages of the miner be more than in proportion to his sacrifices, they would be reduced by the consequent competition; and then proceeds to observe, that the manufacturers are the miners of England, that is, the persons who supply her with the precious metals. This being the case, as it no doubt is, we would ask Mr. Senior, why the same rule does not hold of the British miners, that is, the manufacturers, which he applies to foreign ones; and why, if their sacrifices are diminished, competition should not reduce their wages, for the same reason that it reduces, under the same circumstances, those of the miners of Peru or Mexico.

A difference in the activity and industry of the laborers, and not in the skill or natural advantages under which labor is applied, is therefore the cause of the difference between the money prices of labor in different communities, as far as they are permanent. The value of the products of labor,—as we took occasion to remark in a former article,—is not affected by these differences. If one workman,—all other circumstances being equal,—make, in consequence of his superior activity and industry, two coats, two pairs of boots, or two yards of cloth, while another workman is making one, the reward of his labor will be double, but the articles made by both will sell at the same price. It is, therefore, an error to suppose with some of our political writers, that we can never rival the old countries in manufacturing, on account of the superior

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cheapness of labor in Europe; for in the first place, it has been shown satisfactorily, that this supposed superior cheapness is either wholly unreal, or real to a very trifling extent;* and secondly, because to the extent to which it is real, it is owing either to higher taxes, or an inferiority of diligence in the laborer, in either of which cases, it can have no effect on the money price of his products.

The principle that differences in the wages of labor have no effect on the money prices of its products, is, in fact, admitted in all the theories on political economy, and especially in that of the modern British school, which is the one most in favor with the writers in this country alluded to above. The theory of the British school is, that the reward of agricultural labor regulates that of labor of all other kinds; that the landholder receives in rent out of the produce of his land a fixed quantity, equal to the difference between the amount of its produce and that of an equal extent of the worst land under cultivation; that the laborers in like manner receive in wages a fixed quantity, which is always the least that will barely support life; and that after these two fixed quantities are deducted, the farmer retains the rest as profits.

According to this curious system, it is no doubt true, that if the wages of labor rise, profits must fall, and that the price of products will not be affected by the change. But although the conclusion is correct, the supposition from which it is here deduced, viz. that profits necessarily fall as wages rise, and *vice versa*, is obviously false. It is impossible that there can be two rates of the reward of labor in the same community, and as wages rise or fall, profits and rents,—the two other principal forms under which the reward of labor is paid,—must rise and fall exactly in the same proportion. Mr. Senior himself, though a partisan of the modern school, acknowledges that such is the fact. 'Few doctrines,' he remarks, 'appear to me more evidently erroneous, than that any considerable variation in the amount of wages can be compensated by a rise or fall of profits;' and he then proceeds to give some examples of cases in which wages have risen, and the profits of employers have not fallen in the same proportion. In his observations on facts, and the conclusions he draws from them, he is undoubtedly correct, but he does not seem to remember that

* See the two letters signed *Statist* in the *Banner of the Constitution*, for March 23d and 30th of this year.

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the principles which he thus rejects as at variance with facts, are necessary conclusions from the theories which he has himself adopted and professes in his Lectures. If the conclusions that necessarily follow from these theories are at war with experience, the theories themselves must be false. But in this case, as in that of his theory on population, while he rejects the conclusion out of deference to facts, he retains the premises from respect to authority.

It is no doubt true,—as we have just remarked,—that on the system of the British economists, as wages rise profits fall, but it does not seem to be equally certain,—even on their system,—that as wages fall, profits must rise. Let us suppose, for example, that a manufacturer pays his workmen at a certain rate, and carries on his business with a profit. If wages fall,—which can only happen on the system of the British economists in consequence of an increase of population,—he can afford to sell his products at a lower price and still retain the same profit that he made before. Competition will of course compel him to do this, and it will, therefore, be impossible for him to increase his profits in consequence of the fall of wages. This conclusion seems to be too plain to admit of argument; but Mr. M'Culloch, one of the oracles of the school,—for no better reason that we can imagine than to give his rule the appearance of working both ways, and thus raise a presumption in favor of its being a good one,—firmly maintains in his examination before a Committee of the House of Commons, that on his principles, a fall of wages can only occasion a corresponding rise of profits, but can never be attended with a fall in the price of articles. We extract a passage from the examination, which is copied in the appendix to Mr. Senior's book. The palpable absurdity of the doctrine, as stated by himself, contrasts singularly with his dogmatical confidence in promulgating it, and the admiring acquiescence of the Committee.

'"Have you turned your attention to the effect of fluctuations in the rate of wages on the price of commodities?—I have.

'"Do you consider that when wages rise, the price of commodities will proportionally increase?—I do not think that a real rise of wages has any effect whatever, or but a very imperceptible one, on the price of commodities.

'"Then, supposing wages to be really lower in France than in this country, do you think that that circumstance would give the French any advantage over us in the foreign market?—No, I do not; I do not think it would give them any advantage what-

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ever. I think it would occasion a different distribution of the produce of industry in France from what would obtain in England, but that would be all. In France, the laborers would get a less proportion of the produce of industry, and the capitalists a larger proportion.

'"Could not the French manufacturer, if he gets his labor for less than the English manufacturer, afford to sell his goods for less?—As the value of goods is made up wholly of labor and profit, the whole, and only effect of a French manufacturer getting his labor for less than an English manufacturer, is to enable him to make more profit than the English manufacturer can make, but not to lower the price of his goods. The low rate of wages in France goes to establish a high rate of profits in all branches of industry in France.

'"What conclusion do you come to in making a comparison between wages in England and wages in France?—I come to this conclusion, that if it be true, that wages are really higher in England than in France, the only effect of that would be to lower the profits of capital in England below their level in France, but that it will have no effect whatever on the price of the commodities produced in either country.

'"When you say that wages do not affect prices, what is it that does affect prices?—An increase or diminution of the quantity of labor necessary to the production of the commodity.

'"Supposing that there was a free export of machinery, so that France could get that machinery, do you think that under those circumstances we should retain those advantages which we possess at the present moment?—Yes, we should; for the export of the machinery would not lower our wages, or increase the wages in France, so that we should preserve that advantage to the full extent that we have it at this moment.

'"Will you explain to the committee why you are of opinion that the French manufacturer would not undersell the English, seeing that his profits are larger than the English manufacturer's? —Because if he were to offer to undersell the English, he can only do it by consenting to accept a less rate of profit on his capital, than the other French capitalists are making on theirs, and I cannot suppose a man of common sense would act upon such a principle.

'"Are the committee to understand, that although a French manufacturer pays half the wages to his men in France, which our manufacturers do in England, yet that his wages being on a par, or a level, in general, with the other wages in France, will render his profits on a par with them, and consequently he would not undersell the English merchant by lowering his profits below the average rate of profits in France?—Precisely so. I believe,

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in point of fact, there is no such difference; but he could not undersell the English manufacturer unless he took lower profits than all other producers in France were making. I might illustrate this by what takes place every day in England, where you never find the proprietor of rich land, in order to get rid of his produce, offering it in Mark-lane at a lower rate than that which is got by a farmer or proprietor of the very worst land in the kingdom.

'"Would it not produce a larger sale if the French manufacturer were to sell at a less price?—Supposing that to be so, the greater the sale the greater would be the loss of profit."'*

With all proper deference for Mr. M'Culloch, it is not easy to see why the owners of stock in France, living in a much cheaper country than England, might not content themselves with the same rate of profits, and why,—if wages were lower,—they could not afford to reduce the prices of their products, and thus undersell the British in foreign markets. The illustration drawn from the prices of grain in England is not applicable. Where the importation of foreign grain is prohibited,—as the quantity necessary for consumption must at all events be raised at home, and as there cannot be two prices for the same article,—the whole will, of course, command the price of the dearest. But where the supply of any product, whether natural or manufactured, is limited only by the demand, the price of the whole is determined by that of the cheapest that can be brought to market with an ordinary profit. If French manufactures, for example, of the same quality can be afforded with equal profits at lower prices than the English, they will, undoubtedly, be sold at lower prices, for if the manufacturers attempted to sell at the same prices for the purpose of making higher profits, competition would compel them to take a different course. It is, therefore, quite obvious, that on the system of the British economists, although a rise in wages would occasion a fall of profits, a fall in wages would not occasion an increase of profits. On the system we have suggested, and which attributes the varieties in the rates of wages to varieties in the diligence and activity of the laborers, it is equally plain that these varieties do not affect either profits or prices. The reward of labor being, of course, equal in all its departments, the same

* Report from a Select Committee on Export of Tools and Machinery. Session of 1825, pp. 13, 14.

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circumstances which occasion a rise or fall of wages will also occasion a corresponding rise or fall in rents and profits, while the money prices of articles being regulated by the amount of labor respectively necessary to their production and not by the number of them produced within a given time, which determines the rate of wages, are, of course, unaffected by any alterations that occur in these.

We have thus briefly adverted to the leading principles of the three works before us, and have pointed out what we consider the errors of the author. Our limits will, of course, not permit us to examine all the subjects that are touched upon in the way of illustration or deduction. We shall notice only one or two of those that are most interesting in themselves and have also some bearing upon the present state of affairs in this country.

The economical effect of the non-residence of landholders upon their estates, or, as it is comprehensively styled in one word, *absenteeism*, is a question upon which there has been some difference of opinion in the mother country. Mr. M'Culloch, on his examination before a Committee of the House of Commons, declared that it is of no consequence to the inhabitants of a particular country, as, for instance, Ireland, whether the landholders spend their incomes at home or abroad. When asked whether 'the population of a country would not be benefited by the expenditure at home of a certain portion of the rent, which if the landholder were an absentee, would be expended abroad,' he replied; 'No, I do not see how it would be benefited in the least. If you have a certain value laid out against Irish commodities in the one case, you will have a certain value laid out against them in the other. The cattle raised by the landholder are either exported to England or they stay at home. If they are exported, the landlord will obtain an equivalent for them in English commodities; if they are not, he will obtain an equivalent for them in Irish commodities; so that in both cases the landlord lives on the cattle, or on the value of the cattle, and whether he lives in Ireland or in England, there is obviously just the very same amount of commodities for the people of Ireland to subsist upon.'

The reader who is at all familiar with these subjects will perceive at once, that the argument here employed by Mr. M'Culloch to prove that the residence or non-residence of

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landholders is a matter of indifference, is the same with that, which is habitually employed in this country by the opponents of the protecting policy, to prove that it is of no importance whether we purchase our manufactures abroad or at home, provided we get them at the same price. The fallacy of it is so apparent, that, as stated by Mr. M'Culloch, it has been almost universally rejected in England. It is, indeed, too plain to admit of question, that if the products imported from Ireland in payment of the rent of absentee landholders reward the labor of a hundred thousand English workmen, they would,—had they been consumed at home,—have afforded employment to a hundred thousand Irishmen, who could not otherwise have obtained it, and have conferred an economical benefit equal to the profits of their labor, upon Ireland. In the same way, if the agricultural produce which we send abroad in payment for foreign manufactures goes to pay for the labor of a million foreign workmen, we should, by purchasing the same manufactures at home, support a million native workmen, who could not otherwise get employment, and obtain an economical benefit equivalent to the profits upon their labors. Our anti-tariff writers say, with Mr. M'Culloch, that, provided the cultivator get the value of his produce, it is of no consequence to him whether he gets it in home manufactures or in foreign ones. This is no doubt true, but these writers seem to forget that although it may be a matter of indifference to the cultivators where they sell their produce, provided they get a good price for it, it is not a matter of indifference to the Commonwealth whether the cultivators employ this produce in paying for the labor of their fellow-citizens or of foreigners. In the former case, they give employment and support to numbers of native workmen, who on the latter supposition could not obtain it, and thus procure to the Commonwealth a proportional accession of population, wealth, and political importance. Such a result can never be regarded as a matter of indifference by any judicious and patriotic citizen. The non-residence of the Irish proprietors compels the Irish laborers to emigrate in swarms to England, to find the employment which they cannot obtain at home. The absence of domestic manufactures in this country has, in times past, compelled our people to emigrate from the settled parts of our territory to a distant wilderness, and had it continued, would have driven them to the other side of the Rocky Mountains.

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Happily, a new state of things is growing up among us, and has brought with it such manifest accessions of wealth and prosperity, that the lately clamorous voice of opposition is already nearly silenced. Is it, in fact, a matter of indifference to the Commonwealth of Massachusetts whether the town of Lowell be situated where it is or in the kingdom of Great Britain? This question involves the whole merits of the protecting policy; and the returns of the late census, as well as the present aspect of the streets and wharves of this metropolis, give the answer in terms too clear to be mistaken.

Mr. Senior rejects the doctrine of M'Culloch, as stated by himself, but admits it with a qualification. When the non-resident proprietor receives his income in agricultural produce, his absence is a disadvantage, but when he receives it in manufactures the case is otherwise. If an English landholder resides in France, and his rents are remitted to him in British manufactures, his income, says Mr. Senior, though finally spent abroad, is nevertheless first spent at home, and the only effect of his non-residence is that he gives employment to one description of workmen instead of another. It is obvious, however, that this distinction is wholly futile, and that it makes no difference whatever to the community, in what form the income of an absent proprietor is remitted to him. If it be more advantageous to him to receive it in manufactured articles than in agricultural produce or specie, it must be because there is a profitable trade carried on in such articles between the country where he resides and that in which his estates are situated. This trade employs of course a certain amount of capital, and the investment in it of an additional amount for the purpose of making remittances, would only displace an equal amount that had been invested before. The effect would be, not as Mr. Senior supposes, to employ one set of workmen instead of another, but to throw out of employment one set of workmen instead of another; and the general result,—as far as the community is affected,—would be in both cases precisely the same.

The last topic to which we shall advert is that of the effect upon the community of the different modes in which landholders and capitalists employ their incomes. It is occasionally affirmed,—and we have lately with some surprise seen the opinion maintained in one of our most respectable journals,—that it is a matter of indifference to the public whether men of

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wealth lay out their income in feasting and expensive amusements, or in founding productive establishments, because, in either case, they give employment to workmen. On this subject, we are happy to say, the views of Mr. Senior are entirely just.

'If the higher orders were to return to the customs of a century ago, and cover their coats with gold lace, they might enjoy their own finery; but how would that benefit their inferiors? The theory which I am considering, replies that they would be benefited by being *employed* in making the lace. It is true that a coat, instead of costing £5, would cost £55. But what becomes *now* of the extra £50? For it cannot be said that because it is not spent on a laced coat, it does not exist. If a landlord, with £10,000 a year, spends it unproductively, he pays it away to those who furnish the embellishments of his house and grounds, and supply his table, his equipage, and his clothes. Suppose him now to abandon all unproductive expenditure, to confine himself to bare necessaries, and to earn them by his own labor, the first consequence would be, that those among whom he previously spent his £10,000 a year, would lose him as an employer; and beyond this the theory in question sees nothing. But what would he do with the £10,000 which he would still annually receive? No one supposes that he would lock it up in a box, or bury it in his garden. Whether productively or unproductively, it still must be spent. If spent by himself, as by the supposition it would be spent productively, it must increase, and every year still further increase the whole fund applicable to the use of the rest of the community. If not spent by himself, it must be lent to some other person, and by that person it must be spent productively or unproductively. He might, perhaps, buy with it property in the English funds; but what becomes of it in the hands of the person who sells to him that funded property? He might buy with it French *rentes;* but in what form would the price of those *rentes* go to Paris?—In the form, as we have seen, of manufactured commodities. *Quacunque via data,* every man must spend his income; and the less he spends on himself, the more remains for the rest of the world.'

If a man throw into the fire a handful of bank-bills, he employs to a certain extent, by consuming them in this way, the labor of the wood or coal merchant; but it is quite obvious that if he were to consume them in founding a manufactory, laying out a farm, or building a ship, he would employ immediately a much greater amount of labor than in the other case; and, by the addition which the profits resulting from these

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establishments would make to his capital, would obtain the means of employing a still greater amount afterwards. A person who spends his income in giving expensive entertainments, or in purchasing articles of mere luxury, consumes in a concentrated form upon himself and his immediate friends an amount of wealth, which, if realized in a plainer shape, would afford subsistence and comfort to hundreds and thousands of his fellow-citizens. In saying this, we mean not, however, to intimate that expensive entertainments are never to be given, or that articles of mere luxury are never to be purchased. The advantages resulting to the community, under a moral and political point of view, from an expensive public dinner given to an eminent citizen, as a mark of respect for his talents and virtues, may very far outweigh the injury occasioned by the loss of the money that it costs. Pictures, statues, theatrical exhibitions, music, poetry, and eloquence, are all, economically viewed, no better than luxuries; but by refining and elevating the public taste, encouraging the social feelings, and giving a loftier and nobler cast to national character, they reward the community for the labor devoted to them, by benefits, of which the value,—like that of the Union,—is not to be calculated. While, therefore, considered merely in reference to the labor they employ, disbursements for these and similar objects may be absolutely injurious, inasmuch as they divert capital from other employments, in which it would afford occupation and support to more persons, they may yet,—within proper limits and under judicious direction,—be entitled to the encouragement of the public, as important agents in the advancement of civilization and the increase of human happiness. These are, or should be, the great objects of all our efforts. Wealth is of no value, excepting so far as it tends to promote them, and such employments of labor and capital, as serve best to effect these objects, though attended with a partial sacrifice of mere wealth, must be regarded as the most honorable to those who practise them, and the most beneficial to the community.

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ART. II.—*Poetry and Romance of the Italians.*

1. *Della Letteratura Italiana, Di Camillo Ugoni.* III. Tom. 12mo. Brescia. 1820.
2. *Storia della Letteratura Italiana. Del cavaliere Giuseppe Maffei.* III. Tom. 12mo. Milano. 1825.
3. *Storia della Letteratura Italiana nel secolo* XVIII. *di Antonio Lombardi.* III. Tom. 8vo. Modena. 1827–9.

It is not our intention to go into an analysis, or even to discuss the merits of the works at the head of this article, which we have selected only as a text for such reflections on the poetry and ornamental prose writing of the Italians, as might naturally suggest themselves to an English reader. The points of view from which a native contemplates his own literature, and those from which it is seen by a foreigner, are so dissimilar, that it would be hardly possible that they should come precisely to the same results, without affectation or servility on the part of the latter. The native, indeed, is far better qualified than any foreigner can be, to estimate the productions of his own countrymen; but as each is subjected to peculiar influences, truth may be more likely to be elicited from a collision of their mutual opinions, than from those exclusively of either.

The Italian, although the first modern tongue to produce what still endure as classical models of composition, was of all the Romance dialects, the last to be applied to literary purposes. The poem of the Cid, which, with all its rawness, exhibits the frank bearing of the age in a highly poetic aspect, was written nearly a century previously to this event. The northern French, which even some Italian scholars of that day condescended to employ as the most popular vehicle of thought, had been richly cultivated, indemnifying itself in anticipation, as it were, by this extraordinary precocity, for the poetic sterility with which it has been cursed ever since. In the south, and along the shores of the Mediterranean, every remote corner was alive with the voice of song. A beautiful poetry had ripened into perfection there and nearly perished, before the first lispings of the Italian Muse were heard, not in her own land, but at the court of a foreigner, in Sicily. The poets of Lombardy wrote in the Provençal. The histories,—and almost every city had its historian, and some two or three,—were composed

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in Latin, or in some half-formed discordant dialect of the country. 'The Italian of that age,' says Tiraboschi, 'more nearly resembled the Latin, than the Tuscan does now any of her sister dialects.' It seemed doubtful which of the conflicting idioms would prevail, when a mighty genius arose, who, collecting the scattered elements together, formed one of those wonderful creations which make an epoch in the history of civilization, and forever fixed the destinies of his language.

We shall not trouble our readers with a particular criticism on so popular a work as the Divine Comedy, but confine ourselves to a few such desultory observations as have been suggested on a re-perusal of it. The Inferno is more frequently quoted and eulogised than any other portion of the Commedia. It exhibits a more marked progress of the action; and while it affects us by its deepened pictures of misery, it owes no doubt something to the piquant personalities, which have to this day not entirely lost their relish. Notwithstanding this, it by no means displays the whole of its author's intellectual power; and so very various are the merits of the different portions of his epic, that one who has not read the whole may be truly said not to have read Dante. The poet has borrowed the hints for his punishments, partly from ancient mythology, partly from the metaphorical denunciations of Scripture, but principally from his own inexhaustible fancy; and he has adapted them to the specific crimes with a truly frightful ingenuity. We could wish that he had made more use of the mind as a means of torture, and thus given a finer moral coloring to the picture. One example only of this occurs to us; that of the counterfeiter Adamo, who sharpens the sting of remorse, by contrasting his present dismal abode with his ancient residence on the beautiful banks of the Arno. This defect is particularly conspicuous in his portraiture of Satan, who, far different from that Spirit, whose form had yet not lost all her original brightness, is depicted in all the bugbear deformities of a nursery tale. This decidedly bad taste must be imputed to the rudeness of the age in which Dante lived. The progress of refinement is shown in Tasso's subsequent portrait of this same personage, who 'towering like Calpe or huge Atlas,' is sustained by that unconquerable temper, which gives life to the yet more spiritualized conceptions of Milton. The faults of Dante, as we have said, were those of his age.

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But in his elevated conceptions, in the wild and desolating gloom which he has thrown around the city of the dead, the world saw for the first time, the genius of modern literature fully displayed; and in his ripe and vigorous versification, it beheld also for the first time, the poetical capacities of a modern idiom.*

The Purgatory relies for its interest on no strong emotion, but on a contemplative moral tone, and on such luxuriant descriptions of nature, as bring it much nearer to the style of English poetry, than any other part of the work. It is on the Paradise, however, that Dante has lavished all the stores of his fancy. Yet he has not succeeded in his attempt to exhibit there a regular gradation of happiness, for happiness cannot, like pain, be measured by any scale of physical sensations. Neither is he always successful in the notions which he has conveyed of the occupations of the blessed. There was no source, indeed, whence he could derive this knowledge. The Scriptures present no determinate idea of such occupations; and the mythology of the ancients had so little that was consolatory in it, even to themselves, that the shade of Achilles is made to say in the Odyssey, that 'he had rather be the slave of the meanest living man, than rule as a sovereign among the dead.'

Dante wisely placed the moral sources of happiness in the exercises of the mind. The most agreeable of these to himself, though, perhaps, to few of his readers, was metaphysical polemics. He had, unfortunately, in his youth, gained a prize for successful disputation at the schools, and in every page of these gladiatorial exhibitions, we discern the disciple of Scotus and Aquinas. His *matériel* is made up of light, music, and motion. These he has arranged in every possible variety of combination. We are borne along from one magnificent *fête* to another; and as we rise in the scale of being, the motion of the celestial dance increases in velocity, the light shines with redoubled brilliancy, and the music is of a more ravishing sweetness, until all is confounded in the intolerable splendors of the Deity.

* Dante anticipated the final triumph of the Italian, with a generous confidence, not shared by the more timid scholars of his own or the succeeding age. See his eloquent apology for it in his Convito,—especially, pp. 81, 82. Tom. IV. ed. 1758. See also Purg. Can. XXIV.

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Dante has failed in his attempt to personify the Deity. Who indeed has not? No such personification can be effected without the aid of illustration from physical objects; and how degrading are these to our conceptions of Omnipotence! The repeated failures of the Italians, who have attempted this in the arts of design, are still more conspicuous. Even the genius of Raphael has only furnished another proof of the impotence of his art. The advancement of taste may be again seen in Tasso's representation of the Supreme Being, by his attributes;* and with similar discretion, Milton, like the Grecian artist, who drew a mantle over the countenance, which he could not trust himself to paint, whenever he has introduced the Deity, has veiled his glories in a cloud.

The characters and conditions of Dante and Milton, were too analogous not to have often invited the parallel. Both took an active part in the revolutions of their age. Both lived to see the extinction of their own hopes, and the ruin of their party; and it was the fate of both to compose their immortal poems in poverty and disgrace. These circumstances, however, produced different effects on their minds. Milton, in solitude and darkness, from the cheerful ways of men cut off, was obliged to seek inwardly that celestial light, which, as he pathetically laments, was denied to him from without. Hence his poem breathes a spirit of lofty contemplation, which is never disturbed by the impurities that disfigure the page of Dante. The latter poet, an exile in a foreign land, condemned to eat the bread of dependence, from the hands of his ancient enemies, felt the iron enter more deeply into his soul, and in the spirit of his age, has too often made his verses the vehicle of his vindictive scorn. Both stood forth the sturdy champions of freedom in every form, above all, of intellectual freedom. The same spirit which animates the controversial writings of Milton, glows with yet fiercer heat in every page of the Divine Comedy. How does its author denounce the abuses, the crying abuses of the church, its hypocrisies, and manifold perversions of Scripture! How boldly does he declare his determination to proclaim the truth, that he may live in the memory of the just hereafter! His Ghibeline connexions were indeed unfavorable to these principles. But these connexions were the result of necessity, not of choice. His

* Ger. Lib. CIX. s. 56.

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hardy spirit had been nursed in the last ages of the Republic; and it may be truly said of him, that he became a Ghibeline, in the hope of again becoming a Florentine. The love of his native soil, as with most exiles, was a vital principle with him. How pathetically does he recall those good old times, when the sons of Florence were sure to find a grave within her walls! Even the bitterness of his heart against her, which breaks forth in the very courts of Heaven, proves, paradoxical as it may appear, the tenacity of his affection. It might not be easy to rouse the patriotism of a modern Italian, even into this symptom of vitality.

The genius of both was of the severest kind. For this reason, any display of their sensibility, like the light breaking through a dark cloud, affects us the more by contrast. Such are the sweet pictures of domestic bliss in Paradise Lost, and the tender tale of Francesca di Rimini in the Inferno. Both are sublime in the highest signification of the term; but Milton is an ideal poet and delights in generalization, while Dante is the most literal of artists, and paints every thing in detail. He refuses no imagery, however mean, that can illustrate his subject. This is too notorious to require exemplification. He is, moreover, eminently distinguished by the power of depicting his thought by a single vigorous touch; a manner well known in Italy under the name of *Dantesque.* It would not be easy for such a verse as the following, without sacrifice of idiom, to be condensed within the same compass in our language.

'Con viso, che tacendo dicea, taci.'

It would be interesting to trace the similarity of tastes in these great minds, as exhibited in their pleasures equally with their serious pursuits; in their exquisite sensibility to music; in their early fondness for those ancient romances, which they have so often celebrated both in prose and verse. But our limits will not allow us to pursue the subject any further.

Dante's epic was greeted by his countrymen in that rude age with the general enthusiasm, with which they have ever welcomed the works of genius. A chair was instituted at Florence, for the exposition of the Divine Comedy, and Boccaccio was the first who filled it. The bust of its author was crowned with laurels; his daughter was maintained at the public expense, and the fickle Florentines vainly solicited from Ra-

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venna the ashes of their poet, whom they had so bitterly persecuted when living.

Notwithstanding all this, the father of Italian verse has had a much less sensible influence on the taste of his countrymen, than either of the illustrious triumvirate of the fourteenth century. His bold, masculine diction, and his concentrated thought were ill suited to the effeminacy of his nation. One or two clumsy imitators of him appeared in his own age; and in ours a school has been formed, professing to be modelled on the severe principles of the *trecentisti*. But no one has yet arisen to bend the bow of Ulysses.

Several poets wrote in the Tuscan or Italian dialect at the close of the thirteenth century with tolerable purity; but their amorous effusions would, probably, like those in the Provençal, have rapidly passed into oblivion, had the language not been consecrated by some established work of genius like the Divina Commedia. It was fortunate that its author selected a subject, which enabled him to exhibit the peculiar genius of Christianity, and of modern institutions, and to demonstrate their immense superiority for poetical purposes over those of antiquity. It opened a cheering prospect to those who doubted the capacities of a modern idiom; and after ages of barbarism, it was welcomed as the sign, that the waters had at length passed from the face of the earth.

We have been detained long upon Dante, though somewhat contrary to our intention of discussing classes rather than individuals, from the circumstance, that he constitutes in himself, if we may so say, an entire and independent class. We shall now proceed, as concisely as possible, to touch upon some of the leading peculiarities in the lyrical poetry of the Italians, which forms with them a very important branch of letters.

Lyrical poetry is more immediately the offspring of imagination or of deep feeling, than any other kind of verse, and there can be little chance of reaching to high excellence in it among a nation, whose character is defective in these qualities. The Italians are, undoubtedly, the most prolific in this department, as the French are the least so, of any people in Europe. Nothing, indeed, can be more mechanical than a French ode. Reason, wit, pedantry, any thing but inspiration, find their way into it; and when the poet is in extremity, like the countryman in the fable, he calls upon the pagan gods of antiquity to help him out. The best ode in the lan-

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guage, according to La Harpe, is that of J. B. Rousseau on the Count de Luc, in which Phœbus, or the Fates, Pluto, Ceres or Cybele, figure in every stanza. There is little of the genuine *impetus sacer* in all this. Lyrical compositions, the expression of natural sensibility, are generally most abundant in the earlier periods of a nation's literature. Such are the beautiful collections of rural minstrelsy in our own tongue, and the fine old ballads and songs in the Castilian; which last have had the advantage over ours of being imitated down to a late day, by their most polished writers. But Italy is the only country in which lyrical composition from the first, instead of assuming a plebeian garb, has received all the perfection of literary finish; and which, amidst every vicissitude of taste, has been cultivated by the most polished writers of the age.

One cause of this is to be found in the circumstances and peculiar character of the father of Italian song. The life of Petrarch furnishes the most brilliant example of the triumph of letters, in an age and country too where literary celebrity was not often the path to political consequence. Princes and pontiffs, cities and universities vied with each other in lavishing honors upon him. His tour through Italy was a sort of royal progress; the inhabitants of the cities thronging out to meet him, and providing a residence for him at the public expense.

The two most enlightened capitals in Europe contended with each other for the honor of his poetical coronation. His influence was solicited in the principal negotiations of the Italian States, and he enjoyed at the same time the confidence of the ferocious Visconti, and the accomplished Robert of Naples. His immense correspondence connected him with the principal characters, both literary and political, throughout Europe, and his personal biography may be said to constitute the history of his age.

It must be confessed, that the heart of Petrarch was not insensible to this universal homage, and that his writings occasionally betray the vanity and caprice, which indicate the spoiled child of fortune. But with this moderate alloy of humanity, his general deportment exhibits a purity of principle and a generous elevation of sentiment, far above the degenerate politics of his time. He was, indeed, the first in an age of servility, as Dante had been the last in an age of freedom. If he was intimate with some of the petty tyrants of Lombardy, he never prostituted his genius to the vindication of

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their vices. His political negotiations were conducted with the most generous and extended views for the weal of all Italy. How independently did he remonstrate with Dandolo on his war with the Genoese! How did he lift his voice against the lawless banditti, who, as foreign mercenaries, ravaged the fair plains of Lombardy! How boldly, to a degree which makes it difficult to account for his personal safety, did he thunder his invectives against the western Babylon!

Even his failings were those of a generous nature. Dwelling much of his time at a distance from his native land, he considered himself rather as a citizen of Italy, than of any particular district of it. He contemplated her with the eye of an ancient Roman, and wished to see the Imperial City once more resume her supremacy among the nations. This led him for a moment to give into the brilliant illusion of liberty, which Rienzi awakened. 'Who would not,' he says, appealing to the Romans, 'rather die a freeman than live a slave?'* But when he saw that he had been deceived, he did not attempt to conceal his indignation, and in an animated expostulation with the tribune, he admonishes him that he is the minister, not the master of the republic, and that treachery to one's country is a crime which nothing can expiate.†

As he wandered amid the ruins of Rome, he contemplated with horror the violation of her venerable edifices, and he called upon the pontiffs to return to the protection of their 'widowed metropolis.' He was above all, solicitous for the recovery of the intellectual treasures of antiquity, sparing no expense or personal fatigue in this cause. Many of the mouldering manuscripts he restored or copied with his own hand; and his beautiful transcript of the epistles of Cicero is still to be seen in the Laurentian Library at Florence.

The influence of his example is visible in the generous emulation for letters kindled throughout Italy, and in the purer principles of taste, which directed the studies of the schools.‡ His extensive correspondence diffused to the re-

* Epist. ad Nic. Laurentii.—Opera, p. 535.

† Famil. Epist. Lib. VII. ep. 7. p. 677. Basil Ed.

‡ In Florence, for example, with a population which Villani, at the middle of the fourteenth century, reckons at 90,000 souls, there were from eight to ten thousand children who received a liberal education, (Istor. Fiorent. Lib. XI. Cap. 93) at a time when the higher classes in the rest of Europe were often uninstructed in the elementary principles of knowledge.

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motest corners of Europe the sacred flame, which glowed so brightly in his own bosom; and it may be truly said that he possessed an intellectual empire, such as was never before enjoyed, and, probably, never can be again, in the comparatively high state of civilization to which the world is arrived.

It is not, however, the antiquarian researches of Petrarch, nor those elaborate Latin compositions, which secured to him the laurel wreath of poetry in the capitol, that have kept his memory still green in the hearts of his countrymen, but those humbler effusions in his own language, which he did not even condescend to mention in his Letter to Posterity, and which he freely gave away as alms to ballad-singers. It was auspicious for Italian literature, that a poet like Dante should have been followed by one of so flexible a character as Petrarch. It was beauty succeeding vigor. The language to which Dante had given all its compactness and energy, was far from having reached the full harmony of numbers of which it was capable. He had, moreover, occasionally distorted it into such Latinized inversions, uncouth phrases, Hebraisms and Grecisms, as were foreign to the genius of the tongue. These blemishes, of so little account in Dante's extensive poem, would have been fatal to the lyrical pieces of Petrarch, which, like miniatures, from their minuteness, demand the highest finish of detail. The pains, which the latter poet bestowed on the correction of his verses, are almost inconceivable. Some of them would appear, from the memoranda which he has left, to have been submitted to the file for weeks, nay, months before he dismissed them. Nor was this fastidiousness of taste frivolous in one who was correcting not for himself, but for posterity, and who, in these peculiar graces of style, was creating beautiful and permanent forms of expression for his countrymen. His acquaintance with the modern dialects, especially the Spanish and the Provençal, enriched his vocabulary with many exotic beauties. His fine ear disposed him to refuse all but the most harmonious combinations of sound. He was accustomed to try the melody of his verses by the lute, and, like the fabled Theban, built up his elegant fabric by the charms of music. By these means he created a style scarcely more antiquated than that of the present day, and which can hardly be said to contain an obsolete phrase; an assertion not to be ventured respecting any author in our language, before the days of Queen Anne.

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Indeed, even a foreigner can hardly open a page of Petrarch, without being struck with the precocity of a language, which, like the vegetation of an arctic summer, seems to have ripened into full maturity at once. There is nothing analogous to this in any other tongue with which we are acquainted, unless it be the Greek, which in the poems of Homer appears to have attained its last perfection; a circumstance which has led Cicero to remark in his Brutus, that 'there must doubtless have existed poets antecedent to Homer, since invention and perfection can hardly go together.'

The mass of Petrarch's Italian poetry, is, as is well known, of an amorous complexion. He was naturally of a melancholy temperament, and his unfortunate passion became with him the animating principle of being. His compositions in the Latin, as well as those in the vulgar tongue, his voluminous correspondence, his private memoranda or confessions, which from their nature seem never to have been destined for the public eye, all exhibit this passion in one shape or another. Yet there have been those who have affected to doubt even the existence of such a personage as Laura.

His Sonnets and Canzoni, chronologically arranged, exhibit pretty fairly the progress of his life and love, and as such, have been judiciously used by the Abbé de Sade. The most trivial event seems to have stirred the poetic feeling within him. We find no less than four sonnets indited to his mistress's gloves, and three to her eyes; which last, styled *par excellence*, the 'Three Sisters,' are in the greatest repute with his countrymen; a judgment on which most English critics would be at issue with them. Notwithstanding the vicious affectation of style, and the mysticism which occasionally obscure these and other pieces of Petrarch, his general tone exhibits a moral dignity unknown to the sordid appetites of the ancients; and an earnestness of passion rarely reflected from the cold glitter of the Provençal. But it is in the verses, written after the death of his mistress, that he confesses the inspiration of Christianity, in the deep moral coloring which he has given to his descriptions of nature, and in those visions of immortal happiness which he contrasts with the sad realities of the present life. He dwells rather on the melancholy pleasures of retrospection, than those of hope; unlike most of the poets of Italy, whose warm sunny skies seem to have scattered the gloom, which hangs over the poetry of the North. In this,

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and some other peculiarities, Dante and Petrarch appear to have borne greater resemblance to the English, than to their own nation.

Petrarch's career, however brilliant, may serve rather as a warning than as a model. The querulous tone of some of his later writings, the shade of real sorrow, which seems to come across even his brightest moments, show the utter inefficacy of genius and of worldly glory to procure to their possessor a substantial happiness. It is melancholy to witness the aberrations of mind, into which so fine a genius was led by unfortunate passion. The apparition of Laura haunted him by night as well as by day, in society and in solitude. He sought to divert his mind by travelling, by political or literary occupation, by reason and religion, but in vain. His letters and private confessions, show, no less than his poetry, how incessantly his imagination was tortured by doubts, hopes, fears, melancholy presages, regrets, and despair. She triumphed over the decay of her personal charms, and even over the grave, for it was a being of the mind he worshipped. There is something affecting in seeing such a mind as Petrarch's feeding on this unrequited passion, and more than twenty years after his mistress's death, and when on the verge of the grave himself, depicting her in all the bright coloring of youthful fancy, and following her in anticipation to that Heaven where he hopes soon to be united to her.

Petrarch's example, even in his own day, was widely infectious. He sarcastically complains of the quantities of verses sent to him for correction, from the farthest north, from Germany and the British Isles, then the *Ultima Thule* of civilization. The pedants of the succeeding age, it is true, wasted their efforts in hopeless experiments upon the ancient languages, whose chilling influence seems to have entirely closed the hand of the native minstrel; and it was not until the time of Lorenzo de' Medici, whose correct taste led him to prefer the flexible movements of a living tongue, that the sweet tones of the Italian lyre were again awakened. The excitement, however, soon became general, affecting all ranks, from the purpled prelate down to the most vulgar artisan; and a collection of the *Beauties*, (as we should call them,) of this latter description of gentry, has been gathered into a respectable volume, which Baretti assures us, with a good-natured criticism, may be compared with the verses of Petrarch. In all these

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the burden of the song is love. Those who did not feel, could at least affect the tender passion. Lorenzo de' Medici pitched upon a mistress as deliberately as Don Quixote did on his Dulcinea; and Tasso sighed away his soul, to a nymph so shadowy as sorely to have puzzled his commentators, till the time of Serassi.

It would be unavailing to attempt to characterize those who have followed in the footsteps of the Laureate, or we might dwell on the romantic sweetness of Lorenzo de' Medici, the purity of Vittoria Colonna, the elaborate polish of Bembo, the vivacity of Marini, and the eloquence, the platonic reveries and rich coloring of Tasso, whose beauties, and whose defects, so nearly resemble those of his great original in this department. But we have no leisure to go minutely into the shades of difference between the imitators of Petrarch. One may regret, that amidst their clouds of amorous incense, he can so rarely discern the religious or patriotic enthusiasm, which animates the similar compositions of the Spanish poets, and which forms the noblest basis of lyrical poetry at all times. The wrongs of Italy, the common battle-field of the banditti of Europe for nearly a century, and at the very time when her poetic vein flowed most freely, might well have roused the indignation of her children. The comparatively few specimens on this theme from Petrarch to Filicaja are justly regarded as the happiest efforts of the Italian lyre.

The seventeenth century, so unfortunate for the national literature in all other respects, was marked by a bolder deviation from the eternal track of the Petrarchists; a reform indeed, which may be traced back to Casa. Among these innovators, Chiabrera, whom Tiraboschi styles both Anacreon and Pindar, but who may be content with the former of these appellations, and Filicaja, who has found in the Christian faith sources of a sublimity that Pindar could never reach, are the most conspicuous. Their salutary example has not been lost on the modern Italian writers.

Some of the ancients have made a distinct division of lyrical poetry, under the title of *melicus*.* If, as it would seem, they mean something of a more calm and uniform tenor, than the impetuous dithyrambic flow; something in which symmetry of form, and melody of versification are chiefly considered; in

* Ausonius, Edyl. IV. 54.—Cicero, De Opt. Gen. Oratorum, I.

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which, in fine, the effeminate beauties of sentiment are preferred to the more hardy conceptions of fancy, the term may be significant of the great mass of Italian lyrics. But we fear that we have insisted too far on their defects. Our criticism has been formed rather on the average, than on the highest specimens of the art. In this way the very luxuriance of the soil is a disadvantage to it. The sins of exuberance, however, are much more corrigible than those of sterility, which fall upon this department of poetry, in almost every other nation. We must remember, too, that no people has exhibited the passion of love under such a variety of beautiful aspects, and that, after all, although the amount be comparatively small, no other modern nation can probably produce so many examples of the very highest lyrical inspiration.

But it is time that we should turn to the Romantic Epics, the most important and perhaps the most prolific branch of the ornamental literature of the Italians.* They have been distributed into a great variety of classes by their own critics. We shall confine our remarks to some of their most eminent models, without regard to their classification.

Those who expect to find in these poems the same temper which animates the old English tales of chivalry, will be disappointed. A much more correct notion of their manner may be formed from Mr. Ellis's *Bernesque* (if we may be allowed a significant term) recapitulations of these latter. In short, they are the marvels of an heroic age, told with the fine incredulous air of a polite one. It is this contrast of the dignity of the matter with the familiarity of the manner of narration, that has occasioned among their countrymen so many silly disputes respecting the serious or satirical intentions of Pulci, Ariosto, Berni, and the rest.

The Italians, although they have brought tales of chivalry to higher perfection, than any other people in the world, are of all others, in their character, the most anti-chivalrous. Their early republican institutions, which brought all classes nearly to the same level, were obviously unfavorable to the spirit of chivalry. Commerce became the road to preferment. Wealth was their

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* In this division of our subject, we have exhibited much the same views as those contained in an article published in the forty-fifth number of this journal, to which we refer those of our readers who are desirous of seeing the narrative poetry of Italy treated *in extenso*.

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pedigree, and their patent of nobility. The magnificent Medici were bankers and merchants; and the ancient aristocracy of Venice employed their capital in traffic, until an advanced period of the republic. Courage, so essential in the character of a knight, was of little account in the busy communities of Italy. Like Carthage of old, they trusted their defence to mercenaries, first foreign, and afterwards native, but who in every instance fought for hire, not honor, selling themselves, and often their employers, to the highest bidder; and who, cased in impenetrable mail, fought with so little personal hazard, that Machiavelli has related more than one infamous encounter, in which the only lives lost were from suffocation under their ponderous panoplies. So low had the military reputation of the Italians declined, that in the war of the Neapolitan succession in 1502, it was thought necessary for thirteen of their body to vindicate the national character from the imputation of cowardice, by solemn defiance and battle against an equal number of French knights, in presence of the hostile armies.

Hence other arts came to be studied than that of war,—the arts of diplomacy and intrigue. Hence statesmen were formed, but not soldiers. The campaign was fought in the cabinet, instead of the field. Every spring of cunning and corruption was essayed, and an insidious policy came into vogue, in which, as the philosopher, who has digested its principles into a system, informs us, 'the failure, not the atrocity of a deed, was considered disgraceful.'* The law of honor became different with the Italians, from what it was with other nations. Conspiracy was preferred to open defiance, and assassination was a legitimate method of revenge. The State of Venice condescended to employ a secret agent against the life of Francis Sforza; and the noblest escutcheons in Italy, those of Este and the Medici, were stained with the crimes of fratricide and incest.

In this general moral turpitude, the literature of Italy was rapidly advancing to its highest perfection. There was scarcely a petty State, which, in the fourteenth, fifteenth, and beginning of the sixteenth centuries, had not made brilliant advances in elegant prose, poetry, or the arts of design. Intellectual culture was widely diffused, and men of the highest rank devoted

* Machiavelli, Istor. Fior. L. VI.

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themselves with eagerness to the occupation of letters;—this, too, at a time when learning in other countries was banished to colleges and cloisters; when books were not always essential in the education of a gentleman. Du Guesclin, the flower of French chivalry in the fourteenth century, could not read a word. Castiglione, in his Cortegiano, has given us so pleasing a picture of the recreations of the little court of Urbino, one of the many into which Italy was distributed at the close of the fifteenth century, as to suggest an exalted notion of its taste and cultivated habits; and Guicciardini has described with all the eloquence of regret, the flourishing condition of his country at the same period, ere the storm had descended on her beautiful valleys. In all this we see the characteristics of a highly polished state of society, but none of the hardy virtues of chivalry.

It was precisely in such a state of society, light, lively, and licentious, possessed of a high relish for the beauties of imagination, but without moral dignity, or even a just moral sense, that the Muse of romance first appeared in Italy; and it was not to be expected that she would retain there her majestic Castilian port, or the frank, cordial bearing, which endeared her to our Norman ancestors. In fact, the Italian fancy seems to have caught rather the gay, gossiping temper of the *fabliaux*. The most familiar and grotesque adventures are mixed in with the most serious; and even these last are related in a fine tone of ironical pleasantry. Magnificent inventions are recommended by agreeable illusions of style; but they not unfrequently furnish a flimsy drapery for impurity of sentiment. The high devotion and general moral aspect of our English Fairie Queene, are not characteristic, with a few eminent exceptions, of Italian tales of chivalry, in which we too often find the best interests of our nature exposed to all the license of frivolous banter. Pulci, who has furnished an apology for the infamous Pucelle* and Fortiguerra, with their school of imitators, may afford abundant examples to the curious in these matters.

The first successful models of the romantic Epic, were exhibited at the table of Lorenzo de' Medici; that remarkable

* See Voltaire's Preface to it. Chapelain's prosy poem on the same subject, La Pucelle d'Orleans, lives now only in the satire of Boileau. It was the hard fate of the Heroine of Orleans to be canonized in a dull Epic, and damned in a witty one.

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man, who, as Machiavelli says of him, 'seemed to unite in his person two distinct natures,' who could pass from the severe duties of the council-chamber, to mingle in the dances of the people, and from the abstractions of his favorite philosophy to the broad merriment of a convivial table. Amid all the elegance of the Medici, however,—of Lorenzo and Leo X.,—there seems to have been a lurking appetite for vulgar pleasure; at least, if we may judge from the coarse satirical repartee, which Franco and his friend Pulci poured out upon one another, for the entertainment of their patron, and the still more bald buffoonery which enlivened the palace of his pontifical son.

The Stanze of Politian, however, exhibit no trace of this obliquity of taste. This fragment of an Epic, almost too brief for criticism, like a prelude to some beautiful air, seems to have opened the way to those delightful creations of the Muse, which so rapidly followed, and to have contained within itself all their various elements of beauty, the invention of Boiardo, the picturesque narrative of Ariosto, and Tasso's flush of color. Every stanza is music to the ear, and affords a distinct picture to the eye. Unfortunately Politian was soon seduced by the fashion of the age from the culture of his native tongue. Probably no Italian poet, of equal promise, was ever sacrificed to the Manes of antiquity. His voluminous Latin labors are now forgotten, and this fragment of an Epic affords almost the only point, from which he is still contemplated by posterity.

Pulci's Morgante is the first thorough-bred romance of chivalry, which the Italians have received as *text of the tongue.* It is fashioned much more literally than any of its successors, on Turpin's Chronicle, that gross medley of fact and fable, too barren for romance, too false for history; the dunghill, from which have shot up, nevertheless, the bright flowers of French and Italian fiction. In like manner as in this, religion, not love, is the principle of Pulci's action. The theological talk of his devils, may remind one of the prosy conference of Roland and Ferracute; and, strange to say, he is the only one of the eminent Italian poets, who has adopted from the chronicle the celebrated rout at Roncesvalles. In his concluding cantos, which those who have censured him as a purely satirical or burlesque poet, can have hardly reached, Pulci, throwing off the vulgar trammels which seem to have oppressed his genius, rises into the noblest conceptions of poetry, and describes the tragical catastrophe with all the eloquence of pathos and moral

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grandeur. Had he written often thus, the Morgante would now be resorted to by native purists, not merely as the well of Tuscan undefiled, but as the genuine fount of epic inspiration.

From the rank and military profession of Boiardo, it might be expected, that his poem, the Orlando Innamorato, would display more of the lofty tone of chivalry, than is usual with his countrymen. But, with some exceptions, the portrait of Ruggiero, for example, it will be difficult to discern this. He, however, excels them all in a certain force of characterizing, and in an inexhaustible fertility of invention. His *dramatis personæ*, continued by Ariosto, might afford an excellent subject for a parallel, which we have not room to discuss. In general, he may be said to sculpture, where Ariosto paints. His heroes assume a fiercer and more indomitable aspect, and his Amazonian females a more glaring and less fastidious coquetry. But it is in the regions of pure fancy that his Muse delights to sport; where, instead of the cold conceptions of a Northern brain, which make up the machinery of Pulci, we are introduced to the delicate fairies of the East, to gardens blooming in the midst of the desert, to palaces of crystal, winged steeds, enchanted armor, and all the gay fabric of Oriental mythology. It has been the singular fate of Boiardo to have had his story continued and excelled by one poet, and his style reformed by another, until his own original work, and even his name, have passed into comparative oblivion. Berni's *rifacimento* is perhaps the most remarkable instance of the triumph of style on record. Every stanza reflects the sense of the original; yet such is the fascination of his diction, compared with the provincial barbarism of his predecessor, as to remind one of those mutations in romance, where some old and withered hag is suddenly transformed into a blooming fairy. It may be doubted, whether this could have succeeded so completely in a language, where the beauties of style are less appreciated. Dryden has made a similar attempt in the Canterbury Tales; but who does not prefer the racy, romantic sweetness of Chaucer?

The Orlando Furioso, from its superior literary execution, as well as from its union of all the peculiarities of Italian tales of chivalry, may be taken as the representative of the whole species. Some of the national critics have condemned, and some have endeavored to justify these peculiarities of the romantic epopee; its complicated narrative, and provoking

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interruptions, its transitions from the gravest to the most familiar topics, its lawless extravagance of fiction, and other deviations from the statutes of antiquity; but very few have attempted to explain them on just and philosophical principles. The romantic eccentricities of the Italian poets are not to be imputed either to inattention or ignorance. Most of them were accomplished scholars, and went to their work with all the forecast of consummate artists. Boiardo was so well versed in the ancient tongues, as to have made accurate translations of Herodotus and Apuleius. Ariosto was such an elegant Latinist, that even the classic Bembo did not disdain to learn from him the mysteries of Horace. He consulted his friends over and over again on the disposition of his fable, assigning to them the most sufficient reasons for its complicated texture. In like manner, Tasso shows, in his Poetical Discourses, how deeply he had revolved the principles of his art, and his Letters prove his dexterity in the application of these principles to his own compositions. These illustrious minds understood well the difference between copying the ancients, and copying nature. They knew that to write by the rules of the former, is not to write like them; that the genius of our institutions requires new and peculiar forms of expression; that nothing is more fantastic than a modern antique; and they wisely left the attempt and the failure to such spiritless pedants as Trissino.

The difference subsisting between the ancients and moderns in the constitution of society, amply justifies the different principles on which they have proceeded in their works of imagination. Religion, love, honor:—what different ideas are conveyed by these terms in these different periods of history!* The love of country was the pervading feeling, which, in the ancient Greek or Roman, seems to have absorbed every other, and to have obliterated, as it were, the moral idiosyncracy of the individual; while with the moderns, it is the *individual* who stands forward in principal relief. His loves, his private feuds, and personal adventures, form the object almost of exclusive attention. Hence, in the classical fable, strict

*How feeble, as an operative principle, must religion have been among a people who openly avowed it to be the creation of their own poets. 'Homer and Hesiod,' says Herodotus, 'created the theogony of the Greeks, assigning to the Gods their various titles, characters and forms.' Herod. II. 63. Religion, it is well known, was a principal basis of modern chivalry.

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unity of action and concentration of interest are demanded; while in the romantic, the object is best attained by variety of action and diversity of interest, and the threads of personal adventure separately conducted, and perpetually intersecting each other, make up the complicated texture of the fable. Hence it becomes so exceedingly difficult to discern who is the real hero, and what the main action, in such poems as the Innamorato and Furioso. Hence too, the episode, the accident, if we may so say, of the classical epic, becomes the essence of the romantic. On this explication, Tasso's delightful excursions, his adventures of Sophronia and Erminia, so often condemned as excrescences, may be admired as perfectly legitimate beauties.

The poems of Homer were intended as historical compositions. They were revered and quoted as such, by the most circumspect of the national writers, as Thucydides and Strabo, for example. The romantic poets, on the other hand, seem to have intended nothing beyond a mere *delassement* of the imagination. The old Norman epics, it is true, exhibit a wonderful coincidence in their delineations of manners, with the contemporary chronicles. But this is not the spirit of Italian romance, which has rarely had any higher ostensible aim than that of pure amusement.

> 'Scritta cosi come la penna getta,
> Per fuggir l'ozio, e non per cercar gloria,'

and which was right, therefore, in seeking its materials in the wildest extravagances of fiction, the *magnanime menzogne* of chivalry and the brilliant chimeras of the East.

The immortal epics of Ariosto and Tasso are too generally known, to require from us any particular analysis. Some light, however, may be reflected on these poets from a contrast of their peculiarities. The period in which Tasso wrote, was one of high religious fermentation. The Turks, who had so long over-awed Europe, had recently been discomfited in the memorable sea-fight of Lepanto, and the kindling enthusiasm of the nations seemed to threaten for a moment to revive the follies of the crusades. Tasso's character was of a kind to be peculiarly sensible to these influences. His soul was penetrated with religious fervor, to which, as Serassi has shown, more than to any cause of mysterious passion, are to be imputed his occasional mental aberrations. He was distinguished, more-

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over, by his chivalrous personal valor, put to the test in more than one hazardous encounter; and, indeed, was reckoned the most expert swordsman of his time. Tasso's peculiarities of character were singularly suited to his subject. He has availed himself of this to the full, in exhibiting the resources and triumphs of Christian chivalry. The intellectual rather than the physical attributes of his supernatural agents, his solemn meditations on the fragility of earthly glory, and the noble ardor with which he leads us to aspire after an imperishable crown, give to his epic a moral grandeur, which no preceding poet had ever reached. It has been objected to him, however, that he preferred the intervention of subordinate agents to that of the Deity. But the God of the Christians cannot be introduced like those of Pagan mythology. They espoused the opposite sides of the contest; but wherever He appears, the balance is no longer suspended, and the poetical interest is consequently destroyed.

'Victrix causa Diis placuit, sed victa Catoni.'

This might be sublime with the ancients, but would be blasphemous and absurd with the moderns, and Tasso judged wisely, in availing himself of inferior and intermediate ministers.

Ariosto's various subject,

'Le donne, i cavalier', l'arme, gli amori,'

was equally well suited with Tasso's to his own various and flexible genius. It did not, indeed, admit of the same moral elevation, in which he was himself perhaps deficient. But it embraced, within its range, every variety of human passion and portraiture. Tasso was of a solitary, as Ariosto was of a social temper. He had no acquaintance with affairs, and Gravina accuses him of drawing his knowledge from books instead of men. He turned his thoughts inward and matured them by deep and serious meditation. He had none of the volatile talents of his rival, who seems to have parted with his brilliant fancies, as readily as the tree gives up its leaves in autumn. Ariosto was a man of the world; and in his philosophy, may be styled an epicurean. His satires show a familiarity with the practical concerns of life, and a deep insight into the characters of men. His conceptions, however, were of the earth, and his pure style, which may be compared with Alcina's transparent drapery, too often reveals to us the grossest impurity of thought.

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The Muse of Tasso was of a heavenly nature, and nourished herself with celestial visions and ideal forms of beauty. He was a disciple of Plato, and hence the source of his general elevation of thought, and too often, of his mystical abstraction. The healthful bloom of his language imparts an inexpressible charm to the purity of his sentiments; and it is truly astonishing, that so chaste and dignified a composition should have been produced in an age and court so corrupt.

Both of these great artists elaborated their style with the utmost care, but with totally different results. This frequently gave to Tasso's verse the finish of a lyrical or rather of a musical composition; for many of his stanzas have less resemblance to the magnificent rhythm of Petrarch, than to the melodious monotony of Metastasio. This must be considered a violation of the true epic style. It is singular that Tasso himself, in one of his poetical criticisms, should have objected this very defect to his rival.* The elaboration of Ariosto, on the other hand, resulted in that exquisite negligence or rather artlessness of expression, so easy in appearance, but so difficult in reality to be imitated.

'Facil' versi che costan tanta pena.'

The Jerusalem Delivered is placed by the nice discrimination of the Italian critics, at the head of their heroic epics. In its essence, however, it is strictly romantic, though in its form it is accommodated to the general proportions of the antique. In Ariosto's complicated fable, it is difficult to discern either a leading hero or a predominant action. Sismondi applauds Ginguené, for having discovered this hero in Ruggiero. But both these writers might have found this discovery, where it was revealed more than two centuries ago, in Tasso's own Discourses.† We doubt, however, its accuracy, and cannot but think that the prominent part assigned to Orlando, from whom the poem derives its name, manifests a different intention in the author.

The stately and imposing beauties of Tasso's epic have rendered it generally the most acceptable to foreigners; while the volatile graces of Ariosto have made him most popular with his own nation. Both poets have had the rare felicity, not only of obtaining the applause of the learned, but of circulating

* Discorsi Poetici. III.

† Discorsi Poet. II.

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among the humblest classes of their countrymen. Fragments of the Furioso are still recited by the *lazzaroni* of Naples, as those of the Jerusalem once were by the gondoliers of Venice; where this beautiful epic, broken up into ballads, might be heard for miles along the canals, on a tranquil summer evening. Had Boileau, who so bitterly sneers at the *clinquant* of Tasso, 'heard these musical contests,' says Voltaire, 'he would have had nothing to say.' It is worthy of remark, that these two celebrated poems, together with the Aminta, the Pastor Fido, and the Secchia Rapita, were all produced within the brief compass of a century, in the petty principality of the house of Este, which thus seemed to indemnify itself for its scanty territory, by its ample acquisitions in the intellectual world.

The mass of epical imitations in Italy, both of Ariosto and Tasso, especially the former, is perfectly overwhelming. Nor is it easy to understand the patience with which the Italians have resigned themselves to these interminable poems of seventy, eighty, or even ninety thousand verses each. Many of them, it must be admitted, are the work of men of real genius, and in a literature, less fruitful in epic excellence, would have given a wide celebrity to their authors; and the amount of others of less note, in a department so rarely attempted in other countries, shows in the nation at large a wonderful fecundity of fancy.

The Italians, desirous of combining as many *jouissances* as possible, and extremely sensible to harmony, have not, as has been the case in France and England, divested their romances of the music of verse. They have rarely adopted a national subject for their story, but have condescended to borrow those of the old Norman minstrels; and in conformity with the characteristic temperament of the nation, they have almost always preferred the mercurial temper of the Court of Charlemagne to the more sober complexion of the Round Table.*

With a few exceptions, the romantic poets, since the time of Ariosto, appear to have gained as little in elevation of sentiment as in national feeling. The nice classification of their critics seems to relate only to their varieties of comic charac-

* The French antiquary, Tressan, furnishes an exception to the general criticism of his countrymen, in admitting the superiority of this latter class of Romances over those of Charlemagne.

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ter; and as we descend to a later period, the fine equivocal raillery of the older romances degenerates into a broad and undisguised burlesque. In the latter class, the Ricciardetto of Fortiguerra is a jest, rather than a satire upon tales of chivalry. The singular union, which this work exhibits, of elegance of style and homeliness of subject, may have furnished, especially in its introduction, the model of that species of poetry, which Lord Byron has familiarized us with in Don Juan, where the contrast of sentiment and satire, of vivid passion and chill misanthropy, of images of beauty and splenetic sarcasm, may remind one of the whimsical combinations in Alpine scenery, where the strawberry blooms on the verge of a snow-wreath.

The Italians claim to have given the first models of mock heroic poetry in modern times. The Secchia Rapita of Tassoni has the merit of a graceful versification, exhibiting many exquisite pictures of voluptuous repose, and some passages of an imposing grandeur. But these accord ill with the vulgar merriment, and general burlesque tone of the piece, which, on the whole, presents a strange medley of beauties and blemishes mixed up promiscuously together. Twelve cantos of hard fighting and cutting of throats are far too serious for a joke. The bloodless battle of the books in the Lutrin, or those of the pot-valiant heroes of Knickerbocker, are in much better keeping. The Italians have no poetry of a *mezzo carattere* like our Rape of the Lock;* where a fine atmosphere of irony pervades the piece, and gives life to every character in it. They appear to delight in that kind of travestie, which reduces great things into little, but which is of a much less spiritual nature than that which exalts little things into great. Parini's exquisite Giorno, if the satire had not rather too sharp an edge, might furnish an exception to both these remarks.

But it is time that we should turn to the *Novelle*, those delightful 'tales of pleasantry and love,' which form one of the most copious departments of the national literature. And here, we may remark two peculiarities; first, that similar tales in France and England fell entirely into neglect after the fifteenth century; while in Italy, they have been cultivated with the most unwearied assiduity from their earliest appear-

* Pignotti, Stor. del. Toscana, Tom. X. p. 132.

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ance to the present hour :—secondly, that in both the former countries, the *fabliaux* were almost universally exhibited in a poetical dress ; while in Italy, contrary to the popular taste on all other occasions, they have been as uniformly exhibited in prose. These peculiarities are, undoubtedly, to be imputed to the influence of Boccaccio, whose transcendent genius gave a permanent popularity to this kind of composition, and finally determined the forms of elegant prose with his nation.

The appearance of the Decameron is, in some points of view, as remarkable a phenomenon as that of the Divine Comedy. It furnishes the only example on record, of the almost simultaneous developement of prose and poetry in the literature of a nation. The earliest prose of any pretended literary value in the Greek tongue, the most precocious of any of antiquity, must be placed near four centuries after the poems of Homer. To descend to modern times, the Spaniards have a little work, 'El Conde Lucanor,' nearly contemporary with the Decameron, written on somewhat of a similar plan, but far more didactic in its purport. Its style, though marked by a certain freshness and *naïveté*, the healthy beauties of an infant dialect, has nothing of a classical finish; to which, indeed, Castilian prose, notwithstanding its fine old chronicles and romances, can make no pretension before the close of the fifteenth century. In France, a still later period must be assigned for this perfection. Dante, it is true, speaks of the peculiar suitableness of the French language in his day for prose narration, on account of its flexibility and freedom:* but Dante had few and very inadequate standards of comparison, and experience has shown how many ages of purification it was to undergo, before it could become the vehicle of elegant composition. Pascal's Provincial Letters furnish, in the opinion of the national critics, the earliest specimen of good prose. It would be more difficult to agree upon the author, or the period that arrested the fleeting forms of expression in our own language, but we certainly could not venture upon an earlier date than the conclusion of the seventeenth century.

The style of the Decameron exhibits the full maturity of an Augustan age. The finish of its periods, its long Latinized involutions, but especially its redundancy and Asiatic luxury

* De Vulg. Eloq. Lib. I. Cap. 10.

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of expression, vices imputed to Cicero by his own contemporaries, as Quintilian informs us, reveal to us the model on which Boccaccio diligently formed himself. In the more elevated parts of his subject, he reaches to an eloquence not unworthy of the Roman orator himself. The introductions to his novels, chiefly descriptive, are adorned with all the music and the coloring of poetry; much too poetic, indeed, for the prose of any other tongue. It cannot be doubted that this brilliant piece of mechanism has had an immense influence on the Italians, both in seducing them into a too exclusive attention to mere beauties of style, and in leading them to solicit such beauties in graver and less appropriate subjects, than those of pure invention.

In the celebrated description of the Plague, however, Boccaccio has shown a muscular energy of diction, quite worthy of the pen of Thucydides. Yet there is no satisfactory evidence, that he had read the similar performance of the Greek historian, and the conjecture of Baldelli, to that effect, is founded only on a resemblance of some detached passages, which might well occur in treating of a similar disease.* In the delineation of its fearful moral consequences, Boccaccio has, undoubtedly, surpassed his predecessor. It is singular, that of the three celebrated narratives of this distemper, that by the Englishman, De Foe, is by far the most circumstantial in its details; and yet that he was the only one of the three historians, who was not an eye-witness to what he relates.† The plague of London happened in the year succeeding his birth.

The Italian novelists have followed so closely in the track of Boccaccio, that we may discuss their general attributes without particular reference to him, their beauties and their blemishes varying only in degree. They ransacked every quarter for their inventions,—Eastern legends, Norman *fabliaux*, domestic history, tradition, and vulgar contemporary anecdote. They even helped themselves, *plenis manibus*, to one another's fancies, particularly filching from the Decameron, which has for this reason been pleasantly compared to a pawn-broker's shop. But no exceptions seem to be taken at such plagiarism, and as

* Vita di Boccaccio. Lib. II. S. 2. Note.

† It seems, probable, however, from a passage in Boccaccio, cited by Bandelli, that he witnessed the plague in some other city of Italy, than Florence.

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long as the story could be disguised in a different dress, they cared little for the credit of the invention. These fictions are oftentimes of the most grotesque and improbable character, exhibiting no great skill in the *liaison* of events, which are strung together with the rude artlessness of a primitive *trouveur;* while most promising beginnings are frequently brought up by flat and impotent conclusions. Many of the *novelle* are made up of mere personal anecdote, proverbialisms, and Florentine table-talk, the ingredients of an Encyclopedia of wit. In all this, however, we often find less wit than merriment, which shows itself in the most puerile practical jokes, played off upon idiots, unfortunate pedants, and other imbeciles, with as little taste as feeling.

The *novelle* wear the usual light and cheerful aspect of Italian literature. They seldom aim at a serious or didactic purpose. Their tragical scenes, though very tragical, are seldom affecting. We recollect in them no example of the passion of love treated with the depth and tenderness of feeling so frequent in the English dramatists and novelists. They can make little pretension, indeed, to accurate delineation of character of any sort. Even Boccaccio, who has acquired, in our opinion, a somewhat undeserved celebrity in this way, paints professions rather than individuals. The brevity of the Italian tale, which usually affords space only for the exhibition of a catastrophe, is an important obstacle to a gradual developement of character.

A remarkable trait in these *novelle* is the extreme boldness with which the reputations of the clergy are handled. Their venality, lechery, hypocrisy, and abominable impositions, are all exposed with an independence truly admirable. The head of the church himself is not spared. It is not easy to account for this authorized latitude, in a country where so jealous a *surveillance* has been maintained over the freedom of the press, in relation to other topics. Warton attempts to explain it, as far as regards the Decameron, by supposing that the ecclesiastics of that age had become tainted with the dissoluteness so prevalent after the plague of 1348; and Madame de Stael suggests that the government winked at this license, as the jesting of children, who are content to obey their masters, so they may laugh at them. But neither of these solutions will suffice; for the license of Boccaccio has been assumed more or less by nearly every succeeding novelist, and the jests of this

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merry tribe have been converted into the most stinging satire on the clergy in the hands of the gravest and most powerful writers of the nation, from Dante to Monti.

It may be truly objected to the Italian novelists, that they have been as little solicitous about purity of sentiment, as they have been too much so about purity of style. The reproach of indecency lies heavily upon most of their writings, from the Decameron to the infamous tales of Casti; which, reeking with all the corruption of a brothel, have passed into several surreptitious editions during the present century. This indecency is not always a mere excrescence, but deeply ingrained in the body of the piece. It is not conveyed in innuendo, or softened under the varnish of sentiment, but is exhibited in all the nakedness of detail, which a debauched imagination can divine. Petrarch's encomiastic letter to his friend Boccaccio, written at the close of his own life, in which he affects to excuse the licentiousness of the Decameron from the youth of the author,* although he was turned of forty when he composed it, has been construed into an ample apology for their own transgressions by the subsequent school of novelists.

It is true, that some of the popes, of a more fastidious conscience, have taken exceptions at the license of the Decameron, and have placed it on the Index. But an expurgated edition, whose only alteration consisted in the substitution of lay names for those of the clergy, set all things right again; a circumstance, says Bayle, in a notice of Boccaccio, which manifests somewhat more solicitude for the credit of their own order than for the cause of good morals.

Such adventures as the seduction of a friend's wife, or the deceptions practised upon a confiding husband, are represented as excellent pieces of wit in these fictions,—in some of the best of them even,—and often when their authors would be moral, they betray, in their confused perceptions of right and wrong, the most deplorable destitution of a moral sense. Grazzini (*il Lasca*), one of the most popular of the tribe of the sixteenth century, after invoking in the most solemn manner the countenance of the Deity upon his labors, and beseeching him to inspire his mind with 'such thoughts only as may redound to his praise and glory,' enters immediately in the next page, upon one of the most barefaced specimens of

* Petrarca Op. Ed. Basil. p. 540.

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'bold bawdry,' to make use of the plain language of Roger Ascham, that is to be found in the whole work. It is not easy to estimate the demoralizing influence of writings, many of which, being possessed of the beauties of literary finish, are elevated into the rank of classics, and thus find their way into the most reserved and fastidious libraries.

The literary execution of these tales is, however, by no means equal. In some it is even neglected, and in all, falls below that of their great original. Still in the larger part, the graces of style are sedulously cultivated, and in many constitute the principal merit. Some of their authors, especially the more ancient, as Sacchetti and Ser Giovanni, derive great repute from their picturesque proverbialisms (*riboboli*), the racy slang of the Florentine mob; pearls of little price with foreigners, but of great estimation with their own countrymen. On these qualities, however, as on all those of mere external form, a stranger should pronounce with great diffidence. But the intellectual and moral character of a composition, especially the last, are open to universal criticism. The principles of taste may differ in different nations; but, however often obscured by education or habit, there can be only one true standard of morality.

We may concede, then, to many of the *novelle*, the merits of a delicate work of art, gracefulness, nay, eloquence of style, agreeable facility of narrative, pleasantry that sometimes rises into wit, occasional developement of character, and an inexhaustible novelty of situation. But we cannot help regretting that, while so many of the finest wits of the nation have amused themselves with these compositions, they should not have exhibited virtue in a more noble and imposing attitude, or studied a more scientific delineation of passion, or a more direct moral aim or practical purpose. How rarely do we find, unless it be in some few of the last century, the didactic or even satirical tone of the English essayists, who seldom assume the oriental garb, so frequent in Italian tales, for any other purpose than that of conveying, the better, a prudential lesson. Goldsmith and Hawkesworth may furnish us with pertinent examples of this. How rarely do we recognise in these *novelle* the living portraiture of Chaucer, or the philosophical point, which sharpens the pleasantry of La Fontaine; both competitors in the same walk. Without any higher object than that of present amusement, these productions, like many others of their

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elegant literature, seem to be thrown off in the mere gaiety of the heart.

Chaucer, in his peculiarities, represents as faithfully those of the English nation, as his rival and contemporary, Boccaccio, represents the Italian. In a searching anatomy of the human heart, he as far excels the latter, as in rhetorical beauty he is surpassed by him. The Prologue to his Canterbury Tales alone contains a gallery of portraits, such as is not to be found in the whole compass of the Decameron; his friar, for example,

> 'That somewhat lisped from his wantonnesse
> To make his English sweete upon his tonge;'

his worthy parson, 'glad to teche and glad to lerne;' his man of law, who,

> 'Though so besy a man as he ther n' as,
> Yet seemed besier than he was;'

and his inimitable wag of a host, breaking his jests, like Falstaff, indiscriminately upon every one he meets. Chaucer was a shrewd observer of the realities of life. He did not indulge in day-dreams of visionary perfection. His little fragment of Sir Thopaz, is a fine quiz upon the *incredibilia* of chivalry. In his conclusion of the story of the patient Griselde, instead of adopting the somewhat *fade* eulogiums of Boccaccio, he good-naturedly jests at the *ultra* perfection of the heroine. Like Shakspeare and Scott, his successors and superiors in the school of character, he seems to have had too vivid a perception of the vanities of human life to allow him, for a moment, to give into those extravagancies of perfection, which have sprung from the brain of so many fond enthusiasts.

Chaucer's genius was every way equal to that of Boccaccio, yet the direct influence of the one can scarcely be discerned beyond his own age, while that of the other has reached to the present generation. A principal cause of this is the difference of their style; that of the former, exhibiting only the rude graces of a primitive dialect, while Boccaccio's may be said to have reached the full prime of a cultivated period. Another cause is discernible in the new and more suitable forms which came to be adopted for that delineation of character which constitutes the essence of Chaucer's fictions, viz. those of the drama, and the extended novel, in both of which Italian literature has, until very recently, been singularly

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deficient. Boccaccio made two elaborate essays in novel-writing, but his genius seems to have been ill adapted to it, and in his strange and prolix narrative, which brings upon the stage again the obsolete deities of antiquity, even the natural graces of his style desert him. The attempt has scarcely been repeated until our day, when the impulse communicated by the English, in romance and historical novel-writing, to other nations on the continent, seems to have extended itself to Italy; and the extraordinary favor which has been shown there to the first essays in this way, may perhaps lead eventually to more brilliant successes.

The Spaniards, under no better circumstances than the Italians, made, previously to the last mentioned period, a nearer approach to the genuine novel. Cervantes has furnished, amid his caricatures of chivalry, many passages of exquisite pathos and pleasantry, and a rich variety of national portraiture. The same, though in a less degree, may be affirmed of his shorter tales, *Novelas Exemplares*, which, however inferior to those of the Decameron in rhetorical elegance, certainly surpass them in their practical application. But the peculiar property of the Spaniards is their *picaresco* novel, a mere chronicle of the adventures and mischievous pranks of young pickpockets and *chevaliers d'industrie*, invented, whimsically enough, by a Castilian grandee, one of the proudest of his *caste;* and which, notwithstanding the glaring contrast it affords to the habitual gravity of the nation, has, perhaps from this very circumstance, been a great favorite with it ever since.

The French have made other advances in novel-writing. They have produced many specimens of wit and of showy sentiment. But they seldom afford any wide range of observation, or searching views of character. The conventional breeding, that universally prevails in France, has levelled all inequalities of rank, and obliterated, as it were, the moral physiognomy of the different classes, which, however salutary in other respects, is exceedingly unpropitious to the purposes of the novelist. Molière, the most popular character-monger of the French, has indeed penetrated the *superficies* of the most artificial state of society. His spirited sketches of fashionable folly, though very fine, very Parisian, are not always very natural, that is, founded on the universal principles of human nature; and when founded on these, they are sure to be carried more or less into caricature. The French have

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little of the English talent for humor. They have buffoonery, a lively wit, and a *naïveté* beyond the reach of art,—Rabelais, Voltaire, La Fontaine; every thing but humor. How spiritless and affected are the caricatures, so frequently stuck up at their shop-windows, and which may be considered as the popular expression in this way, compared with those of the English. It is impossible to conceive of a French Goldsmith or Fielding, a Hogarth or a Wilkie. They have, indeed, produced a Le Sage; but he seems to have confessed the deficiency of his own nation, by deriving his models exclusively from a foreign one.

On the other hand, the freedom of the political and social institutions both in this country and in England, which has encouraged the undisguised expansion of intellect, and of peculiarities of temper, has made them the proper theatre for the student of his species. Hence man has been here delineated with an accuracy quite unrivalled in any ancient or modern nation; and as the Greeks have surpassed every later people in statuary, from their familiarity with the visible naked forms of manly beauty, so the English may be said, from an analogous cause, to have excelled all others in moral portraiture. To this point, their most eminent artists have directed their principal attention. We have already noticed it in Chaucer. It formed the essence of the drama in Elizabeth's time, as it does that of the modern novel. Shakspeare and Scott, in their respective departments, have undoubtedly carried this art to the highest perfection of which it is capable, sacrificing to it every minor consideration of probability, incident, and gradation of plot; which they seem to have valued, only so far as they might be made subservient to the main purpose of a clearer exposition of character.

But it is time to return from the digression, into which we have been led by a desire of illustrating certain peculiarities of Italian literature, which can in no way be done so well as by comparing them with those of corresponding departments in other languages. Such a comparison abundantly shows how much deeper, and more philosophical, have been the views proposed by prose fiction in England than in Italy.

We have reserved the Drama for the last, as, until a very recent period, it has been less prolific in eminent models, than either of the great divisions of Italian letters. Yet it has been the one most assiduously cultivated from a very early

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period, and this too by the ripest scholars, and most approved wits. The career was opened by such minds as Ariosto and Machiavelli, at a time when the theatres in other parts of Europe had given birth only to the unseemly abortions of mysteries and moralities. Bouterwek has been led into a strange error, in imputing the low condition of the Italian drama to the small number of men, of even moderate abilities, who have cultivated it.* A glance at the long muster-roll of eminent persons employed upon it, from Machiavelli to Monti, will prove the contrary.† The unprecedented favor bestowed on the most successful of the dramatic writers, may serve to show, at least, the aspirations of the people. The Merope of Maffei, which may be deemed the first dawn of improvement in the tragic art, passed through sixty editions. Notwithstanding all this, the Italians, in comedy, and still more in tragedy, until the late apparition of Alfieri, remained far below several of the other nations of Europe.

A principal cause of their repeated failures has been often referred to the inherent vices of their system, which required a blind conformity with the supposed rules of Aristotle. Under the cumbrous load of antiquity, the freedom and grace of natural movement were long effectually impeded. Their first attempts were translations or literal imitations of the Latin theatre; some of these, however, though objectionable in form, contain the true spirit of comedy. Those of Ariosto and Machiavelli in particular, with even greater licentiousness of detail, and a more immoral conclusion, than belong either to Plautus or Terence, fully equal, perhaps surpass them, in their spirited and whimsical draughts of character. Ariosto is never more a satirist than in his comedies; and Machiavelli, in his Mandragola, has exposed the hypocrisies of religion, with a less glaring caricature, than Molière has shown in his Tartuffe. The spirit of these great masters did not descend to their immediate successors. Goldoni, however, the Molière of Italy, in his numerous comedies or farces, has succeeded in giving a lively graphic portraiture of local manners with infinite variety and comic power, but no great depth of interest. He has seldom risen to refined and comprehensive views of

* See the conclusion of his History of Spanish Literature.

† See Allacci's Drammaturgia, passim; and Riccoboni Theatre Ital. Tom. I. p. 187—208. Allacci's catalogue, as continued down to the middle of the 18th century, occupies nearly a thousand quarto pages.

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society; and his pieces, we may trust, are not to be received as faithfully reflecting the national character, which they would make singularly deficient both in virtue and the principle of honor. The writers who have followed in the footsteps of Goldoni, exhibit for the most part similar defects, with far inferior comic talent. Their productions, on the whole, however, may be thought to maintain an advantageous comparison with those of any other people in Europe, during the same period, although some of them, to judge from the encomiastic tone of their critics, appear to have obtained a wider celebrity with their contemporaries than will be probably conceded to them by posterity. The *comedies of art* which Goldoni superseded, and which were perhaps more indicative of the national taste, than any other dramatic performances, can hardly come within the scope of literary criticism.

The Italian writers would seem not even to have agreed upon a suitable measure for comedy; some using the common *versi sciolti*, some the *sdruccioli*, others again the *martelliani*, and many more preferring prose.* Another impediment to their success is the great variety of dialects in Italy, as numerous as her petty States; which prevents the recognition of any one uniform style of familiar conversation for comedy. The greater part of the pieces of Goldoni are written, more or less, in the local idiom of one of the extremities of Italy; an inconvenience which cannot exist, and which can hardly be appreciated in a country, where one acknowledged capital has settled the medium of polite intercourse.

The progress of the nation in the tragic art, until a late period, has been yet more doubtful. Some notion may be formed of its low state in the last century from the circumstance, that when the players were in want of a serious piece, they could find none so generally acceptable as an opera of Metastasio, stripped of its musical accompaniments. The appearance of Alfieri at this late season, of a genius so austere, in the midst of the voluptuous Sybarite effeminacy of the period, is a remarkable phenomenon. It was as if the severe Doric proportions of a Pæstum temple had been suddenly raised up amid the airy forms of Palladian architecture. The

* Professor Salfi affirms prose to be the most suitable, indeed, the only proper dress, for Italian comedy. See his sensible *critique* on the Italian comic drama, prefixed to the late edition of Alberto Nota's Commedie. Parigi, 1829.

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reserved and impenetrable character of this man has been perfectly laid open to us in his own auto-biography. It was made up of incongruity and paradox. To indomitable passions, he joined the most frigid exterior. With the fiercest aristocratic nature, he yet quitted his native State, that he might enjoy unmolested the sweets of liberty. He published one philippic against kings and another against the people. His theoretic love of freedom was far from being warmed by the genuine glow of patriotism. Of all his tragedies he condescended to derive two only from Italian history; and when in his prefaces, dedications, or elsewhere, he takes occasion to notice his countrymen, he does it in the bitterness of irony and insult.

When he first set about his tragedies, he could compose only in a sort of French and Piedmontese *patois*. He was unacquainted with any written dramatic literature, though he had witnessed the theatrical exhibitions of the principal capitals of Europe. He was, therefore, to form himself all fresh upon such models as he might prefer. His haughty spirit carried him back to the *trecentisti*, especially to Dante, whose stern beauties he sedulously endeavored to transfuse into his own style. He studied Tacitus, moreover, with diligence, and made three entire translations of Sallust. He was greatly afraid of falling into the *cantilena* of Metastasio, and sought to avoid this by sudden abruptions of language, by an eccentric use of the articles and pronouns, by dislocating the usual structure of verse, and by distributing the emphatic words with exclusive reference to the sense.*

This unprecedented manner brought upon Alfieri a host of critics, and he was compelled, in a subsequent edition, to soften down its most offensive asperities. He imputes to himself as many different styles of composition, as distinguish the works of Raphael, and it is pretty evident that he considers the last as near perfection as he could well hope to attain. It is, indeed, a noble style; with the occasional turbulence of a mighty rapid, it has all its fulness and magnificent flow; and it shows how utterly impossible it is, by any effort of art, to repress the natural melody of the Tuscan.

Alfieri effected a still more important revolution in the in-

* See a summary of these peculiarities in Casalbigi's Letter, prefixed to the late editions of Alfieri's tragedies.

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tellectual character of the drama, arousing it from the lethargy into which it had fallen, and making it the vehicle of generous and heroic sentiment. He forced his pieces sometimes, it is true, by violent contrast, but he brought out his characters with a fulness of relief, and exhibited a dexterous combat of passion, that may not unfrequently remind us of Shakspeare. He dismissed all supernumeraries from his plays, and put into action what his predecessors had coldly narrated. He dispensed, moreover, with the curious coincidences, marvellous surprises, and all the *bei colpi di scena*, so familiar in the plays of Metastasio. He disdained even the poetical aid of imagery, relying wholly for effect on the dignity of his sentiments, and the imposing character of his agents.

Alfieri has been thought to have made a nearer approach to the Greek tragedy, than any of the moderns. He, indeed, disclaims the imitation of any foreign model, and he did not learn the Greek till late in life. But the drama of his own nation had always been servilely accommodated to the rules of the ancients, and he himself had rigorously adhered to the same code. His severe genius too, wears somewhat of the aspect of that of the Father of Grecian tragedy, with which it has been repeatedly compared. But any apparent resemblance in their compositions vanishes on a closer inspection. The assassination of Agamemnon, for example, forms the subject of a tragedy with both these writers. But on what different principles is it conducted by each! The larger proportion of the play of Æschylus is taken up with the melancholy monologues of Cassandra and the chorus, which, boding the coming disasters of the house of Atreus, or mourning over the destiny of man, are poured forth in a lofty dithyrambic eloquence, that gives to the whole the air of a lyrical rather than a dramatic composition. It was this lyrical enthusiasm, which, doubtless, led Plutarch to ascribe the inspiration of Æschylus to the influence of the grape.* The dialogue of the piece is of a most inartificial texture, and to an English audience might sometimes appear flat. The action moves heavily, and the principal, indeed, with the exception of Agamemnon, the only attempt at character, is in the part of

* Sympos. LVII. Prob. 10. In the same spirit, a critic of a more polished age has denounced Shakspeare's Hamlet, as the work of a drunken savage! See Voltaire's Dissertation sur la Tragédie, &c. addressed to Cardinal Querini.

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Clytemnestra, whose gigantic stature overshadows the whole piece, and who appals the spectator by avowing the deed of assassination, with the same ferocity with which she had executed it.

Alfieri, on the other hand, refuses the subsidiary aids of poetical imagery. He expressly condemns, in his criticisms, a confounding of the lyric and the dramatic styles. He elaborated his dialogue with the nicest art, and with exclusive reference to the final catastrophe. *Scenæ non levis artifex.* His principal aim is to exhibit the collision of passions. The conflicts between passion and principle in the bosom of Clytemnestra, whom he has made a subordinate agent, furnish him with his most powerful scenes. He has portrayed the Iago-like features of Ægisthus in the darkest colors of Italian vengeance. The noble nature of Agamemnon stands more fully developed than in the Greek, and the sweet character of Electra is all his own. The assassination of the king of men in his bed, at the lonely hour of midnight, must forcibly remind the English reader of the similar scene in Macbeth. But though finely conceived, it is far inferior to the latter in those fearful poetical accompaniments, which give such an air of breathless horror to the story. In solemn mysterious imaginings, who indeed can equal Shakspeare? He is the only modern poet, who has succeeded in introducing the dim form of an apparition on the stage with any tolerable effect. Yet Voltaire accuses him of mistaking the horrible for the terrible. When Voltaire had occasion to raise a ghost upon the French stage, (a ticklish experiment,) he made him so amiable in his aspect, that Queen Semiramis politely desires leave to 'throw herself at his feet, and to embrace them.'*

It has been a matter of debate, whether Italian tragedy, as reformed by Alfieri, is an improvement on the French. Both are conducted on the same general principles. A. W. Schlegel, a competent critic whenever his own prejudices are not involved, decides in favor of the French. We must confess ourselves inclined to a different opinion. The three master spirits in French tragedy seem to have contained within themselves all the elements of dramatic creation; yet their best performances have something tame and unsatisfactory in them. We see the influence of that fine-spun web of criticism, which

* Semiramis. Acte III. S. 6.

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in France has bound the wing of genius to the earth, and which no one has been hardy enough to burst asunder. Corneille, after a severe lesson, submitted to it, though with an ill grace. The flexible character of Racine moved under it with more freedom, but he was of too timid a temper to attempt to contravene established prejudices. His reply to one who censured him for making Hippolyte in love, in his Phédre, is well known: 'What would our *petits-mâitres* have said, had I omitted it?' Voltaire, although possessed of a more enterprising and revolutionary spirit, left the essential principles of the drama as he found them. His multifarious criticisms exhibit a perpetual paradox. His general principles are ever at variance with their particular application. No one lauds more highly the scientific system of his countrymen;—witness his numerous dramatic prefaces, dedications, and articles in the Encyclopedia. He even refines upon it with hypercritical acumen, as in his commentaries on Corneille. But when he feels its tyrannical pressure on himself, he is sure to wince;—see, for example, his lamentable protest in his Preface to Brutus.

Alfieri acknowledged the paramount authority of the ancients equally with the French dramatic writers. He has but thrice violated the unity of place, and very rarely that of time. But with all his deference for antiquity, the Italian poet has raised himself far above the narrow code of French criticism. He has relieved tragedy from that eternal chime of love-sick damsels, so indispensable in a French piece, that, as Voltaire informs us, out of four hundred which had appeared before his time, there were not more than twelve, which did not turn upon love. He substituted in its place a more pure and exalted sentiment. It will be difficult to find, even in Racine, such beautiful personifications of female loveliness, as his Electra, Micol, and others. He has, moreover, dispensed with the *confidantes*, those insipid shadows, that so invariably walk the round of the French stage. Instead of insulated axioms, and long rhetorical pleadings, he has introduced a brisk moving dialogue, and instead of the ceremonious breeding, the *perruque* and *chapeau bordé* of Louis XIVth's court, his personages, to borrow an allusion from a sister art, are sculptured with the bold, natural freedom which distinguishes the school of Michael Angelo.

It is true, that they are apt to show too much of the same fierce and sarcastic temper, too much of a family likeness with himself and with one another; that he sometimes mistakes

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passion for poetry; that he has left this last too naked of imagery and rhetorical ornament; that he is sometimes stilted when he would be dignified; and that his affected energy is too often carried into mere muscular contortions. His system has indeed the appearance of an aspiration after some ideal standard of excellence, which he could not wholly attain. It is sufficient proof of his power, however, that he succeeded in establishing it, in direct opposition to the ancient taste of his countrymen, to their love of poetic imagery, of verbal melody, and voluptuousness of sentiment. It is the triumph of genius over the prejudices, and even the constitutional feelings of a nation.

We have dwelt thus long on Alfieri, because, like Dante, he seems himself to constitute a separate department in Italian literature. It is singular that the two poets, who present the earliest and the latest models of surpassing excellence in this literature, should bear so few of its usual characteristics. Alfieri's example has effected a decided revolution in the theatrical taste of his countrymen. It has called forth the efforts of some of their most gifted minds. Monti, perhaps the most eminent of this school, surpasses him in the graces of an easy and brilliant elocution, but falls far below him in energy of conception and character. The Stoical system of Alfieri would seem indeed better adapted to his own peculiar temperament, than to that of his nation, and the successful experiment of Manzoni in discarding the unities, and otherwise relaxing the unnatural rigidity of this system, would appear to be much better suited to the popular taste as well as talent.

Our limits, necessarily far too scanty for our subject, will not allow us to go into the Opera and the Pastoral Drama, two beautiful divisions in this department of Italian letters. It is singular that the former, notwithstanding the natural sensibility of the Italians to harmony, and the melody of their language, which almost sets itself to music as it is spoken, should have been so late in coming to its perfection under Metastasio. Nothing can be more unfair than to judge of this author, or indeed of any composer of operas, by the effect produced on us in the closet. Their pieces are intended to be exhibited, not read. The sentimental *ariettes* of the heroes, the romantic bombast of the heroines, the racks, ropes, poisoned daggers, and other fee-faw-fum of a nursery tale, so plentifully

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besprinkled over them, have certainly in the closet a very *fade* and ridiculous aspect. But an opera should be considered as an appeal to the senses, by means of the illusions of music, dancing, and decorations. The poetry, wit, sentiment, intrigue, are mere accessaries, and of value only as they may serve to promote this illusion. Hence the necessity of love,—love, the vivifying principle of the opera, the only passion in perfect accordance with its voluptuous movements. Hence the propriety of exhibiting character, in exaggerated color of light and shadow, the *chiar' oscuro* of poetry; as the imagination is most forcibly affected by powerful contrast. Yet this has been often condemned in Metastasio. On the above principle, too, the seasonable disclosures, miraculous escapes, and all the other magical apparatus before alluded to, may be defended. The mind of the spectator, highly stimulated through the medium of the senses, requires a corresponding extravagance, if we may so say, in the creations of the poet. In this state, a veracious copy of nature would fall flat and powerless; to reach the heart, it must be raised into gigantic proportions, and adorned with a brighter flush of coloring than is to be found in real life. As a work of art, then, but not as a purely intellectual exhibition, we may criticise the opera, and in this view of it, the peculiarities so often condemned in the artist, may be, perhaps, sufficiently justified.

The Pastoral Drama, that attempt to shadow forth the beautiful absurdities of a golden age, claims to be invented by the Italians. It was carried to its ultimate perfection, in two of its earliest specimens, the poems of Tasso and Guarini. Both these writers have adorned their subject with the highest charms of versification and imagery. With Tasso, all this seems to proceed spontaneously from the heart; while Guarini's Pastor Fido, on the other hand, has the appearance of being elaborated with the nicest preparation. It may, in truth, be regarded as the solitary monument of his genius; and as such, he seems to have been desirous to concentrate within it every possible variety of excellence. During his whole life, he was employed in retouching and enriching it with new beauties. This great variety and finish of details somewhat impair its unity, and give it too much the appearance of a curious collection of specimens. Yet there are those, and very competent critics too, who prefer the splendid patch-work of Guarini to the sweet, unsolicited beauties of his rival. Dr. Johnson has con-

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demned both the Aminta and Pastor Fido, as 'trifles easily imitated, and unworthy of imitation.' The Italians have not found them so. Out of some hundred specimens cited by Serassi, only three or four are deemed by him worthy of notice. An English critic should have shown more charity for a kind of composition that has given rise to some of the most exquisite creations of Fletcher and Milton.

We have now reviewed the most important branches of the ornamental literature of the Italians. We omit some others, less conspicuous, or not essentially differing in their characteristics from similar departments in the literatures of other European nations. An exception may perhaps be made in favor of satirical writing, which, with the Italians, assumes a peculiar form, and one quite indicative of the national genius. Satire, in one shape or another, has been a great favorite with them, from Ariosto, or indeed we may say Dante, to the present time. It is, for the most part, of a light, vivacious character, rather playful than pointed. Their critics, with their usual precision, have subdivided it into a great variety of classes, among which the *Bernesque* is the most original. This epithet, derived not, as some have supposed, from the *rifacimento*, but from the Capitoli of Berni, designates a style of writing made up of the beautiful and burlesque, of which it is nearly impossible to convey an adequate notion, either by translation or description, in a foreign language. Even so mature a scholar as Mr. Roscoe has failed to do this, when in one of his histories, he compares this manner to that of Peter Pindar, and in the other to that of Sterne. But the Italian has neither the coarse diction of the former, nor the sentiment of the latter. It is generally occupied with some frivolous topic, to which it ascribes the most extravagant properties, descanting on it through whole pages of innocent irony, and clothing the most vulgar and oftentimes obscene ideas, in the polished phrase or idiomatic graces of expression, that never fail to disarm an Italian critic. A foreigner, however, not so sensible to the seductions of style, will scarcely see in it any thing more than a puerile debauch of fancy.

Historians are fond of distributing the literature of Italy into masses, chronologically arranged in successive centuries. The successive revolutions in this literature justify the division to a degree unknown in that of any other country, and a brief illustration of it may throw some additional light on our subject.

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Thus the fourteenth century, the age of the *trecentisti*, as it is called, the age of Dante, Petrarch, and Boccaccio, is the period of high and original invention. These three great writers, who are alone capable of attracting our attention at this distance of time, were citizens of a free State, and were early formed to the contemplation and practice of public virtue. Hence their works manifest an independence and a generous self-confidence, that we seek in vain in the productions of a later period, forced in the artificial atmosphere of a court. Their writings are marked, moreover, by a depth of reflection not to be discerned in the poets of a similar period of antiquity, the pioneers of the civilization of their times. The human mind was then in its infancy. But in the fourteenth century, it seemed to awake from the slumber of ages, with powers newly invigorated, and a memory stored with the accumulated wisdom of the past. Compare, for example, the Divine Comedy with the poems of Homer and Hesiod, and observe how much superior to those latter writers is the Italian in moral and intellectual science, as well as in those higher speculations which relate to our ultimate destiny.* The rhetorical beauties of the great works of the fourteenth century have equally contributed to their permanent popularity and influence. While the early productions of other countries, the poems of the Niebelungen, of the Cid, of the Norman *trouveurs*, and those of Chaucer even, have passed, in consequence of their colloquial barbarisms, into a certain degree of oblivion, the writings of the *trecentisti* are still revered as the models of purity and elegance, to be forever imitated, though never equalled.

The following age exhibits the reverse of all this. It was as remarkable for the general diffusion of learning, as the preceding had been for the concentration of talent. The Italian, which had been so successfully cultivated, came to be universally neglected for the ancient languages. It would seem as if the soil, exhausted by too abundant harvests, must lie fallow another century before it could be capable of production. The scholars of that day disdained any other than the Latin tongue, for the medium of their publications, or

* Hesiod, it is true, has digested a compact body of ethics, wonderfully mature for the age in which he wrote. But the best of it is disfigured with those childish superstitions, which betray the twilight of civilization. See, in particular, the concluding portion of his Works and Days.

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even of their private epistolary correspondence. They thought with Waller, that

> 'Those who lasting marble seek,
> Must carve in Latin or in Greek.'

But the marble has crumbled into dust, while the natural beauties of their predecessors are still green in the memory of their countrymen. To make use of a simile, which Dr. Young applied to Ben Jonson, they 'pulled down, like Samson, the temple of antiquity on their shoulders, and buried themselves under its ruins.'

But let us not err, by despising these men as a race of unprofitable pedants. They lived on the theatre of ancient art, in an age when new discoveries were daily making of the long-lost monuments of intellectual and material beauty; and it is no wonder, that, dazzled with the contemplation of these objects, they should have been blind to the modest merits of their contemporaries. We should be grateful to men, whose indefatigable labors preserved for us the perishable remains of classic literature, and who thus opened a free and familiar converse with the great minds of antiquity; and we may justly feel some degree of reverence for the enthusiasm of an age in which the scholar was willing to exchange his learned leisure for painful and perilous pilgrimages, when the merchant was content to barter his rich freights for a few mouldering, worm-eaten folios, and when the present of a single manuscript was deemed of sufficient value to heal the dissensions of two rival States. Such was the fifteenth century in Italy; and Tiraboschi, warming as he approaches it, in his preface to the sixth volume of his history, has accordingly invested it with more than his usual blaze of panegyric.

The genius of the Italians, however, was sorely fettered by their adoption of an ancient idiom, and like Tasso's Erminia, when her delicate form was enclosed in the iron mail of the warrior, lost its elasticity and grace. But at the close of the century, the Italian Muse was destined to regain her natural freedom in the court of Lorenzo de' Medici. His own compositions, especially, are distinguished by a romantic sweetness, and his light popular pieces,—Carnascialeschi, Contadineschi,—so abundantly imitated since, have a buoyant exhilarating air, wholly unlike the pedantic tone of his age. Under these new auspices, however, the Italian received a

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very different complexion from that which had been imparted to it by the hand of Dante.

The sixteenth century is the healthful, the Augustan age of Italian letters. The conflicting principles of an ancient and a modern school are, however, to be traced throughout almost the whole course of it. A curious passage from Varchi, who flourished about the middle of this century, informs us, that when he was at school, it was the custom of the instructers to interdict to their pupils the study of any vernacular writer, even Dante and Petrarch.* Hence the Latin came to be cultivated almost equally with the Italian, and both, singularly enough, attained simultaneously their full developement.

There are few phrases more inaccurately applied, than that of the Age of Leo X., to whose brief pontificate we are accustomed to refer most of the magnificent creations of genius scattered over the sixteenth century, although very few, even of those produced in his own reign, can be imputed to his influence. The nature of this influence in regard to Italian letters may even admit of question. His early taste led him to give an almost exclusive attention to the ancient classics. The great poets of that century, Ariosto, Sanazzaro, the Tassos, Rucellai, Guarini, and the rest, produced their immortal works far from Leo's court. Even Bembo, the oracle of his day, retired in disgust from his patron, and composed his principal writings in his retreat. Ariosto, his ancient friend, he coldly neglected,† while he pensioned the infamous Aretin. He surrounded his table with buffoon literati, and parasitical poets, who amused him with feats of improvisation, gluttony, and intemperance,—some of whom, after expending on them his convivial wit, he turned over to public derision,—and most of whom, debauched in morals and constitution, were abandoned, under his austere successor, to infamy and death. He collected about him such court flies as Berni and Molza, but as if the papal atmosphere were fatal to high continued effort, even Berni, like Trissino and Rucellai, could find no leisure for his more elaborate performance, till after his patron's death. He magnificently recompensed his musical retainers,—making one an archbishop, another an archdeacon. But what did he

* Ercolano, ques. VIII.

† Roscoe attempts to explain away this conduct of Leo, but the satires of the poet furnish a bitter commentary upon it, not to be misunderstood.

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do for his countryman Machiavelli, the philosopher of his age?* He hunted, and hawked, and caroused; every thing was a jest, and while the nations of Europe stood aghast at the growing heresy of Luther, the merry pontiff and his ministers found strange matter of mirth in witnessing the representation of comedies that exposed the impudent mummeries of priestcraft. With such an example, and under such an influence, it is no wonder that nothing better should have been produced, than burlesque satire, licentious farces, and frivolous impromptus. Constrast all this with the elegant recreations of the little court of Urbino, as described in the Cortegiano. Or compare the whole result on Italian letters of the so much vaunted patronage of this luxurious pontiff with the splendid achievements of the petty State of Este alone, during the first half of this century, and it will appear that there are few misnomers which convey grosser misconceptions than that of the age of Leo X.

The seventeenth century (*seicento*) is one of humiliation in the literary annals of Italy; one, in which the Muse, like some dilapidated beauty, endeavored to supply the loss of natural charms by all the aids of coquetry and meretricious ornament. It is the prodigal use of 'these false brilliants,' as Boileau terms them, in some of their best writers, which has brought among foreigners an undeserved discredit on the whole body of Italian letters, and which has made the condemned age of the *seicentisti* a by-word of reproach even with their own countrymen. The principles of a corrupt taste are, however, to be discerned at an earlier period, in the writings of Tasso especially, and still more of Guarini. But it was reserved for Marini to reduce them into a system, and by his popularity and foreign residence to diffuse the infection among the other nations of Europe. To this source, therefore, most of these nations have agreed to refer the impurities, which, at one time or another, have disfigured their literatures. Thus the Spaniard Lampillas has mustered an array of seven volumes to prove the charge of original corruption on the Italians, though Marini openly affected to have formed himself upon a Spanish model.†

* Machiavelli, after having suffered torture, on account of a suspected conspiracy against the Medici, in which his participation was never proved, was allowed to linger out his days in poverty and disgrace.

† Obras suelt. de Lope de Vega, Tom XXI. p. 17.

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In like manner, La Harpe imputes to them the sins of Jodelle and the contemporary wits, though these last preceded by some years the literary existence of Marini; and the vices of the English *metaphysical* school have been expressly referred, by Dr. Johnson, to Marini and his followers.

A nearer inspection, however, might justify the opinion, that these various affectations bear too much of the physiognomy of the respective nations in which they are found, and are capable of being traced to too high a source in each, to be thus exclusively imputed to the Italians. Thus the elements of the *cultismo* of the Spaniards, that compound of flat pedantry and Oriental hyperbole, so different from the fine *concetti* of the Italian, are to be traced through some of their most eminent writers, up to the fugitive pieces of the fifteenth century, as collected in their Cancioneros; and in like manner, the elements of the metaphysical jargon of Cowley, whose intellectual combinations and far-fetched analogies show too painful a research after wit for the Italian taste, may be traced in England through Donne and Ben Jonson, to say nothing of the 'unparalleled John Lillie,' up to the veteran versifiers of the fifteenth and fourteenth centuries. Thus, also, some features of the *style precieux* of the hôtel de Rambouillet, so often lashed by Boileau, and laughed at by Molière, may be imputed to the malign influence of the constellation of pedants, celebrated in France under the title of Pleiades, in the sixteenth century.

The Greek is the only literature, which, from the first, seems to have maintained a sound and healthful state. In every other, the barbaric love of ornament, so discernible even in the best of the early writers, has been chastised only by long and assiduous criticism; but the principle of corruption still remains, and the season of perfect ripeness seems to be only that of the commencement of decay. Thus it was in Italy, in the perverted age of the *seicentisti*, an age yet warm with the productions of an Ariosto and a Tasso.

The literature of the Italians assumed in the last century a new and highly improved aspect. With less than its usual brilliancy of imagination, it displayed an intensity, and, under the circumstances in which it has been produced, we may add, intrepidity of thought, quite worthy of the great spirits of the fourteenth century, and a freedom and nature in its descriptions, altogether opposed to the heartless affectations of the

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seventeenth. The prejudicial influence of their neighbors threatened at one time, indeed, to precipitate the language into a French *machéronico;* but a counter-current, equally exclusive, in favor of the *trecentisti,* contributed to check the innovation, and to carry them back to the ancient models of purity and vigor. The most eminent writers of this period seem to have formed themselves on Dante, in particular, as studiously as those of the preceding age affected the more effeminate graces of Petrarch. Among these, Monti, who, in the language of his master, may be truly said to have inherited from him 'Lo bello stile, che l'ha fatto onore,' is thought most nearly to resemble Dante in the literary execution of his verses; while Alfieri, Parini, and Foscolo approach him still nearer in the rugged virtue and independence of their sentiments. There seems to be a didactic import in much of the poetry of this age, too, and in its descriptions of external nature, a sober contemplative vein, that may remind us of writers in our own language. Indeed an English influence is clearly discernible in some of the most eminent poets of this period, who have either visited Great Britain in person, or made themselves familiar with its language.* The same influence may be perhaps recognised in the moral complexion of many of their compositions, the most elegant specimen of which is probably Parini's satire, which disguises the sarcasm of Cowper in the rich embroidered verse which belongs to the Italians.

In looking back on the various branches of literature, which we have been discussing, we are struck with the almost exclusive preference given to poetry over prose, with the great variety of beautiful forms which the former exhibits, with its finished versification, its inexhaustible inventions, and a wit that never tires. But in all this admirable mechanism, we too often feel the want of an informing soul, of a nobler, or at least some more practical object, than mere amusement. Their writers too rarely seem to feel

> 'Divinity within them, breeding wings
> Wherewith to spurn the earth.'

They have gone beyond every other people in painting the intoxication of voluptuous passion; but how rarely have they

* Among these may be mentioned Monti, Pindemonte, Cesarotti, Mazza, Alfieri, Pignotti, and Foscolo.

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exhibited it in its purer and more ethereal form! How rarely have they built up their dramatic or epic fables on national or patriotic recollections! Even satire, disarmed of its moral sting, becomes in their hands a barren, though perhaps a brilliant jest,—the harmless electricity of a summer sky.

The peculiar inventions of a people best show their peculiar genius. The romantic epic has assumed with the Italians a perfectly original form; in which, stripped of the fond illusions of chivalry, it has descended through all the gradations of mirth, from well-bred raillery to broad and bald buffoonery. In the same merry vein, their various inventions in the burlesque style have been conceived. Whole cantos of these puerilities have been strung together with a patience altogether unrivalled, except by that of their indefatigable commentators.* Even the most austere intellects of the nation, a Machiavelli and a Galileo, for example, have not disdained to revel in this frivolous debauch of fancy, and may remind one of Michael Angelo, at the instance of Pietro de' Medici, employing his transcendent talents in sculpturing a perishable statue of snow!

The general scope of our vernacular literature, as contrasted with that of the Italian, will set the peculiarities of the latter in a still stronger light. In the English, the drama and the novel, which may be considered as its staples, aiming at more than a vulgar interest, have always been made the theatre of a scientific dissection of character. Instead of the romping merriment of the *novelle*, it is furnished with those periodical essays which, in the form of apologue, of serious disquisition or criticism, convey to us lessons of practical wisdom. Its pictures of external nature have been deepened by a sober contemplation, not familiar to the mercurial fancy of the Italians. Its biting satire, from Pierce Plowman's Visions to the Baviad and Mæviad of our day, instead of breaking into vapid jests, has been effectually sharpened against the follies or vices of the age; and the body of its poetry, in general, from the days of 'moralle Gower,' to those of Cowper and Wordsworth, breathes a spirit of piety and unsullied virtue. Even Spenser deemed it necessary to shroud the eccentricities of his Italian imagination in sober allegory; and Milton, while he adopted in his Comus the beautiful, and somewhat luxurious form of the

* The annotations upon Lippi's burlesque poem of the Malmantile Racquistata are inferior in bulk to those only on the Divine Comedy.

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Aminta and Pastor Fido, animated it with the most devotional sentiments.

The political situation of Italy may afford a key to some of the peculiarities of her literature. Oppressed by foreign or domestic tyrants, for more than five centuries, she has been condemned, in the indignant language of her poet,

'Per servir sempre, o vincitrice o vinta.'

Her citizens, excluded from the higher walks of public action, have too often resigned themselves to corrupt and effeminate pleasure; and her writers, inhibited from the free discussion of important topics, have too frequently contented themselves with an impotent play of fancy. The histories of Machiavelli and of Guicciardini were not permitted to be published entire, until the conclusion of the last century. The writings of Alemanni, from some umbrage given to the Medici, were burnt by the hands of the common hangman. Marchetti's elegant version of Lucretius was long prohibited on the ground of its epicurean philosophy; and the learned labors of Giannone were recompensed with exile. Under such a government, it is wonderful that so many, rather than so few writers should have been found with intrepidity sufficient to raise the voice of unwelcome truth. It is not to be wondered at, that they should have produced so few models of civil or sacred eloquence, the fruit of a happier and more enlightened system; that they should have been too exclusively devoted to mere beauties of form; have been more solicitous about style, than thought; have studied rather to amuse than to instruct. Hence the superabundance of their philological treatises and mere verbal criticisms, of their tomes of commentaries, with which they have illustrated or obscured their most insignificant poets, where a verse furnishes matter for a lecture, and a *canzone* becomes the text for a volume. This is no exaggeration.* Hence, too, the frequency and ferocity of their literary quarrels; into which the Italians, excluded too often from weightier disquisition, enter with an enthusiasm, which in other nations can be roused only by the dearest in-

* Benedetto of Ravenna wrote ten lectures on the fourth sonnet of Petrarch. Pico della Mirandola devoted three whole books to the illustration of a *canzone* of his friend Benivieni; and three Arcadians published a volume in defence of the *Tre Sorelle* of Petrarch! It would be easy to multiply similar examples of critical prodigality.

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terests of humanity. The comparative merit of some obscure classic, the orthography of some obsolete term, a simple sonnet, even, has been sufficient to throw the whole community into a ferment, in which the parties have not always confined themselves to a war of words.

The influence of academies on Italian literature is somewhat doubtful. They have probably contributed to nourish that epicurean sensibility to mere verbal elegance, so conspicuous in the nation. The great variety of these institutions scattered over every remote district of the country, the whimsicality of their titles, and still more of those of their members, have an air sufficiently ridiculous.* Some of them have been devoted to the investigation of science. But a license, refused to individuals, will hardly be conceded to public associations; and the persecution of some of the most eminent has proved an effectual warning to confine their speculations within the inoffensive sphere of literary criticism. Hence the exuberance of *prose* and *lezioni*, endless dissertations on barren rhetorical topics; and those vapid attempts at academic wit, which should never have transcended the bounds of the Lyceum.

It is not in such institutions that the great intellectual efforts of a nation are displayed. Indeed all that any academy can propose to itself, is to keep alive the flame, which genius has kindled; and in more than one instance, they have gone near to smother it. The French academy, as is well known, opened its career with its celebrated attack upon Corneille; and the earliest attempt of the Cruscan was upon Tasso's Jerusalem, which it compelled its author to re-model, or in other words, to reduce, by the extraction of all its essential spirit, into a flat and insipid decoction. Denina has sarcastically intimated, that the era of the foundation of this latter academy corresponds exactly with that of the commencement of the decline of good taste. More liberal critics concede, however, that this body has done much to preserve the integrity of the tongue, and that a pure spirit of criticism was kept alive within its bosom, when it had become extinct in almost every other

* Take at hazard some of the most familiar, the 'Ardent,' the 'Frozen,' the 'Wet,' the 'Dry,' the 'Stupid,' the 'Lazy.' The Cruscan takes its name from Crusca, (bran); and its members adopted the corresponding epithets of 'brown bread,' 'white bread,' 'the kneaded,' &c. Some of the Italians, as Lasca, La Bindo, for instance, are better known by their frivolous academic names, than by their own.

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part of Italy.* Their philological labors have, in truth, been highly valuable; though perhaps not so completely successful as those of the French academicians. We do not allude to any capricious principle on which their vocabulary may have been constructed, an affair of their own critics; but to the fact, that, after all, they have not been able to settle the language with the same precision and uniformity with which it has been done in France; from the want of some great metropolis, like Paris, whose authority would be received as paramount all over the kingdom. No such universal deference has been paid to the Cruscan academy, and the Italian language, far from being accurately determined, is even too loose and inexact for the common purposes of business. Perhaps it is for this very reason better adapted to the ideal purposes of poetry.

The exquisite mechanism of the Italian tongue, made up of the very elements of music, and picturesque in its formation beyond that of any other living language, is, undoubtedly, a cause of the exaggerated consequence imputed to style by the writers of the nation. The author of the Dialogue on Orators points out, as one of the symptoms of depraved eloquence in Rome, that 'voluptuous artificial harmony of cadence, which is better suited to the purposes of the musician or the dancer, than of the orator.' The same vice has infected Italian prose from its earliest models, from Boccaccio and Bembo, down to the most ordinary book-wright of the present day, who hopes to disguise his poverty of thought under his melodious redundancy of diction. Hence it is that their numerous Letters, Dialogues, and their specimens of written eloquence, are too often defective both in natural force and feeling. Even in those graver productions, which derive almost their sole value from their facts, they are apt to be far more solicitous about style and ingenious turns of thought, as one of their own critics has admitted, than either utility or sound philosophy.†

A principal cause, after all, of the various peculiarities of Italian literature, of which we have been speaking, is to be traced to that fine perception of the beautiful, so inherent in every order of the nation, whether it proceed from a happier

* See, in particular, the treatise of Parini, himself a Lombard, De' principi delle Belle Lettere. Part II. Cap. 5.

† Bettinelli. Risorgim. d' Italia. Introd. p. 14.

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physical organization, or from an early familiarity with those models of ideal beauty, by which they are every where surrounded. Whoever has visited Italy must have been struck with such a sensibility to elegant pleasure, and such a refinement of taste in the very lowest classes, as in other countries belong only to the more cultivated. This is to be discerned in the most trifling particulars; in their various costume, whose picturesque arrangement seems to have been studied from the models of ancient statuary; in the flowers and other tasteful ornaments, with which, on *fête* days, they decorate their chapels and public temples; in the eagerness with which the peasant and the artisan, after their daily toil, resort to the theatre, the opera, or similar intellectual amusements, instead of the bear-baitings, bull-fights, and drunken orgies, so familiar to the populace of other countries; and in the quiet rapture with which they listen for hours, in the public squares, to the strains of an *improvisatore*, or the recitations of a story-teller, without any other refreshment than a glass of water. The author of a new musical piece for San Carlos hardly feels assured of its success, till it has received the approbation of the lazzaroni; and Cellini informs us, that his patron, the Duke of Tuscany, hesitated to pronounce upon his celebrated statue of Perseus, until it had been exposed to the criticism of the populace in the great square of Florence. Even the art of improvisation, carried to such perfection by the Italians, is far less imputable to the facilities of their verse, than to the poetical genius of the people; an evidence of which, is the abundance of *improvisatori* in Latin in the sixteenth century, when that language came to be widely cultivated.

It is time, however, to conclude our remarks, which have already encroached too liberally on the patience of our readers. Notwithstanding our sincere admiration, as generally expressed, for the beautiful literature of Italy, we fear that some of our reflections may be rather unpalatable to a people, who shrink with sensitive delicacy from the rude touch of foreign criticism. The most liberal opinions of a foreigner, it is true, coming through so different a medium of prejudice and taste, must always present a somewhat distorted aspect to the eye of a native. On those finer shades of expression, which constitute, indeed, much of the value of poetry, none but a native can pronounce with accuracy. But on its intellectual and moral character, a foreign critic is better qualified to decide;

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he may be more perspicacious, even, than a native, in detecting those obliquities from a correct standard of taste, to which the latter has been reconciled by prejudice and long example, or which he may have learned to reverence as beauties.

There must be so many exceptions, too, to the sweeping range of any general criticism, that it will always carry with it a certain air of injustice. Thus while we object to the Italians the diluted, redundant style of their compositions, may they not refer us to their versions of Tacitus and Persius, the most condensed writers in the most condensed language in the world, in a form equally compact with that of the originals? May they not object to us Dante and Alfieri, scarcely capable of translation into any modern tongue, in the same compass, without a violence to idiom? And may they not cite the same hardy models, in refutation of an unqualified charge of effeminacy? Where shall we find examples of purer and more exalted sentiment, than in the writings of Petrarch and Tasso? Where of a more chastised composition, than in Casa or Caro? And where more pertinent examples of a didactic aim, than in their numerous poetical treatises on husbandry, manufactures, and other useful arts, which in other countries form the topics of bulky disquisitions in prose? This is all just. But such exceptions, however imposing, in no way contravene the general truth of our positions, founded on the *prevalent* tone and characteristics of Italian literature.

Let us not, however, appear insensible to the merits of a literature, pre-eminent above all others for activity of fancy and beautiful variety of form, or to those of a country so fruitful in interesting recollections to the scholar and the artist; in which the human mind has displayed its highest energies untired through the longest series of ages; on which the light of science shed its parting ray, and where it first broke again upon the nations; whose history is the link that connects the past with the present, the ancient with the modern, and whose enterprising genius enlarged the boundaries of the old world by the discovery of a new; whose scholars opened to mankind the intellectual treasures of antiquity; whose schools first expounded those principles of law, which have become the basis of jurisprudence in most of the civilized nations of Europe; whose cities gave the earliest example of free institutions, and when the vision of liberty had passed away, maintained their empire over the mind, by those admirable pro-

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ductions of art that revive the bright period of Grecian glory; and who, even now, that her palaces are made desolate, and her vineyards trodden down under the foot of the stranger, retains within her bosom all the fire of ancient genius. It would show a strange insensibility, indeed, did we not sympathize in the fortunes of a nation that has manifested, in such a variety of ways, the highest intellectual power; of which we may exclaim, in the language which a modern poet has applied to one of the most beautiful of her cities,

O Decus, O Lux
Ausoniæ, per quam libera turba sumus,
Per quam Barbaries nobis non imperat, et Sol
Exoriens nostro clarius orbe nitet!

ART. III.—*Origin and Progress of the Useful Arts.*
The Frugal Housewife. By the Author of Hobomok. Third Edition. Boston. 1830.

It would be presumptuous in us, to point out the merits or defects of a work so entirely beyond our jurisdiction as this; at the same time, we would not have this writer suspect that we have introduced her name, merely to secure a title to our article. We have done it rather, to express our respect for an accomplished lady, to whom we have been indebted for entertainment in former times; and though her present writings do not come within the reach of our criticism, we know how to estimate the moral self-denial, which appears in the devotion of her talents to the service of the young. We can recommend her Juvenile Miscellany to parents, as an excellent work for their children; the defects in it are very trifling, and ought never to be mentioned, without giving the praise due to all, who, feeling themselves capable of higher efforts, are content to sacrifice such fame, for the better and more enduring reward of gratitude and affection.

We propose to give a slight account of several of the arts of life, which are alluded to in this work;—to trace them downwards, showing from what beginning they sprang, and what improvements they underwent in the course of successive ages. There is no regular history of such arts, excepting Beckmann's, which is nothing more than a collection of notes on various subjects without system; valuable and thorough,

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but very limited in its range of subjects. Such an imperfect account as can be given, is only to be gained from incidental remarks gleaned in the works of various historians, who had no intention of giving light to future ages upon any such matters. Such an account will afford evidence, distressing to a certain class of moralists, because it tends to show that the wants of the human race are growing. Growing in extent and number they certainly are, and it seems to us, that men cannot do better than to let them grow; for these wants, in whatever form they come, are severely faithful friends; they drive men to activity both of body and mind. It was well said, that the advice to cut off our wants, when we have nothing to supply them, is like advising men to cut off their feet, when they happen to have no shoes. No tribes of the human race, with which we are acquainted, will work with body or mind, simply for the sport of the thing; and since exercise is so important to the health of the soul, we think that the moralist should bless the necessity that drives men to exertion. It is evident, that most of the luxuries, which at their first introduction, were looked upon with an evil eye, soon became nothing more than comforts; stockings, for example, were doubtless thought very effeminate, when first invented; but as invention put them within the reach of all, they became nothing more than comforts, which no man was disposed to rail against, because they could not well be dispensed with; and which, instead of tending to enervate the frame, do actually increase its power of physical endurance and exertion. It is sufficiently clear, from various experiments, that although the wild human animal *does* endure more hardships than the domesticated, the latter *can* endure far more from exposure to labor or climate, than the other, because strength is increased by a proper measure of food and keeping; even luxuries, when they are not excesses, do not produce the effect apprehended; witness the young English officers, who, though accustomed to no other parade than that of Bond-street, sustained, even better than veterans, the march and bivouac of the Peninsular campaigns.

This matter is not generally understood, and what the error is, may be explained by an illustration. After the death of Major Laing, the enterprising traveller in Africa, the colored potentate of the kingdom in which he died restored his effects to the British Admiral, on the nearest station, and among the

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rest, an old hat, which had lost its crown as completely as the late king of France. When another, we believe Mr. Tyrwhit, died in a similar adventure, the Africans took an inventory of his property, with a view to restore it. They were sorely puzzled in making out this paper, and in utter despair, described a couple of tooth-brushes as 'two scrapers made of pig's hair,' and set down his spectacles as 'two looking-glasses for the nose.' Now one of the sages, who lament that our wants are increasing, would say, How fortunate these Africans, who know not the want of hats, spectacles, or tooth-brushes! But they make a pretty obvious mistake. The Africans know the *want* of these things as well as we, but they know not how to *supply* it, and we do; so that the balance certainly leans in favor of civilized life.

The common prejudice is, that we should endeavor to dispense with the thing wanted. When the thing wanted is not by any means to be had, as in the case of the child crying for the moon, it is clearly the best and almost the only way, to try to do without it; but when it is a want that can be supplied without creating other wants, by drawing off from other resources, it is best to make exertions to supply it; for example, the backwoodsman, who weeps as he endeavors to read by the pine torch,—candlewood, as it was called by our fathers,—will do well to work a little longer and harder, for the means of buying candles, if they are within his reach. Yet it is mournful to see what slender thanks are given to any one who endeavors to increase the comfort of the human race. Let any one try the experiment, and he will fare like the reformer, who endeavors to eject the pig from an Irish cabin, and finds reason to regret that he ever meddled with a character so important. Jonas Hanway first appeared with an umbrella in the streets of London, and though a popular and respectable character, he was looked upon with a feeling very similar to that with which the ancient prophet of that name was regarded; he was beset in such a manner, that the instrument of defence from the rain saved him from a more pelting shower of earthly hail, and he went his way rejoicing to escape without a broken head.

What effect our wants have in quickening the mind to action, may be seen in the advance of the arts of life compared with those of taste. When the latter have reached a certain height in any department, they stand still; any great effort retains its

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pre-eminence for ages; the Parthenon in architecture, the Venus in statuary, and the Iliad in poetry, are exertions of power, which men, instead of attempting to rival, are content to gaze upon with wonder and despair. We do not say the same of painting, because portrait-painting, which restores the absent and the dead, is almost a necessary of life; and it is precisely that which keeps on with the most unwearied improvement. Meantime, the arts of life have no rest in their advancement; every year throws the skill and success of its predecessors into shade; some new and unimaginable discovery is perpetually eclipsing all that have gone before it; and by a pretty exact inverse proportion, Amos Cottle is to Homer, as the arts of life in Homer's day to those of our own.

But we have not space for these general remarks, and will, therefore, proceed to give some slight account of those arts by which our imperative wants are supplied. We place food first in order, because it is the most essential; many have contrived to live without houses, and even without clothing, without suffering much either from delicacy or climate, but we never have heard of any people who have subsisted without food. It is then, decidedly, the most momentous of the arts of life, which professes to supply this craving; and in justice to our race, we must say, that it is generally treated in practice with all the attention and solemnity which its abstract importance deserves.

One of the earliest of arts in this department, was that of making bread, as appears from the Scripture account of Abraham. It does not appear that flesh was eaten before the flood; though the division of animals into clean and unclean subsisted before that time; and the teeth and stomach must have been carnivorous from the beginning, unless, in accordance with Darwin's theory, we allow that long and faithful practice has brought them to their present form. Meat in warm climates is less desirable, than any other kind of food; the hecatombs annually sacrificed in our country, would have sustained an Oriental nation for years. Corn was at first eaten without any preparation, while it was still soft in the ear; and without any other preparation than grinding it in a mortar, when it had become hard. In the mortar, it was rather ground than pounded, so that the change was not great, from the mortar to the mill. The rude mill which was in use in the days of the patriarchs, is not yet out of date in the East.

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It was composed of two stones of a circular form, of which the upper had its lower surface concave, to fit the convex upper surface of the nether mill-stone. In the upper stone was an upright piece of wood, with a cross stick at the top of it. Two women kneeled down, facing each other, and with their left hands kept the upper stone in rapid whirling motion, while with their right, they poured in corn through a hole in the upper stone. The flour fell out at the sides, and was passed through sieves of rushes. That which was not ground sufficiently fine, was put into the mill again.

This kind of mill was so easily constructed, that it was often used, even by those who were acquainted with better. A pair of old Roman mill-stones, of this description, were dug up in Yorkshire, at the beginning of the last century; their diameter was twenty inches. It must not be inferred from this, that they were unacquainted with water-mills, for these are described by Palladius and Vitruvius; and we know also, that cattle-mills were very common at Rome. The practice of employing slaves for this purpose, was more agreeable to the feelings of the masters of the world; but it gradually gave way to the superior advantages of the larger constructions. Many orders, with respect to mill-slaves, are found among the records of Rome, and they were still in use in the time of Theodosius. No distinct account of public water-mills is found, till the time of Arcadius and Honorius. Then, they were built upon the aqueducts, which conveyed water into the city. Floating-mills were invented by Belisarius, when Vitiges besieged him in Rome, in 536. By cutting off the supply of water in the aqueducts, he deprived the city not only of that element, but bread. The Roman General, accustomed to military expedients, proposed to the inhabitants to anchor vessels in the stream, and suspend wheels between them in such a manner that they might be turned by the tide. Mills were constructed in this way, and though heavy and slow in their operation, they answered the purpose till the siege was raised. One would have thought that the expedient of applying the force of the wind to this purpose, would have suggested itself in ancient times, since the use of sails in navigation was well known, but we find no account of this whatever. Some have thought that wind-mills were introduced into Europe by the Crusaders on their return from the East; but we fear that those strange expeditions cannot have the praise of

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rendering this service to mankind, for it is tolerably clear, that they were known in Europe before the Crusades began. They were the occasion of a dispute in the end of the fourteenth century, which illustrates curiously enough the manners of the times. The Augustin monks at Windsheim wished to construct a wind-mill not far from Zwolt; but their measures for that purpose were arrested by the Lord of Woedst, who declared that the district was in every respect under his control, and positively forbade their proceeding. The monks in their distress bethought themselves of the spiritual pretensions of the Bishop of Utrecht, and laid their case before him. Extremely incensed by this laical encroachment, he held forth a statement, in which he maintained that the right to all the wind in the diocess was vested in his own person, and directed the monks to put up their mill in whatever place they thought good.

The means of preparing bread, by an easy and not unnatural association, remind us of butter. We find this article mentioned in Scripture, but we presume that no one thinks it bore much resemblance to what now passes by the name. It is thought by the best sacred critics to have been milk cream, or some thick cream. It was evidently used for the purpose of bathing the feet, and is spoken of as a luxurious indulgence. The oldest account of the preparation of butter, whatever the substance was, is found in Herodotus; but he does not describe, and, probably, did not know it minutely; all he tells us is, that it was separated by shaking the milk till the richest part of it subsided. Strabo mentions that it was used by the Ethiopians; but he does not say what it was, nor for what purpose it was used. We learn from Plutarch, that a Spartan lady paid a visit to Berenice, the wife of Dijotarus, and one being perfumed with ointment and the other with butter, they openly expressed their disgust to each other. This prepares us for the statement of Hippocrates, that butter was efficient as a medicine, probably, of the emetic kind. But we need not be particular in this criticism, for it is sufficiently clear, that neither Greeks nor Romans used it in cookery; they valued it as an ointment and medicine, not as food.

As we have said, flesh does not seem to have been so essential an article of food in the earliest times known to history, as in ours. It was not often served up, unless there was a stranger present. For this reason, the various prohibitions of Moses were less severe to the Jews of ancient than of modern

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times. He forbade their eating a kid boiled in its mother's milk, because such was the practice of those idolaters, from whose example he wished to preserve them. It would also appear that some kinds of flesh were thought to produce, or favor leprous disorders.

When an animal was to be slain, the business of preparing it fell to the lot of the master of the house, even if he were a prince or king; to this beginning, may possibly be traced the prejudice, which regards butchery on a magnificent scale as the chief glory of great men, and it is much to be regretted, that their operations had not always been confined to the domestic limits, within which they were useful and happy. The King Alcinous would, probably, have hesitated as little to kill and cook an animal, as the Princess Nausicaa to wash the clothes of the royal household. As for the kinds of meat that were eaten, the bill of fare was as extensive as in modern times; in the East somewhat more so, locusts being a common article of food; they are still used, though less valued as a luxury. A traveller in the last century remarked to certain Arabs, that he wondered at their eating insects so disgusting; to which they replied, with some show of reason, that it savored of affectation in a person who could swallow an oyster, to be startled by any thing in the way of eating.

Among the Greeks various kinds of bread were eaten, and the profession of the baker was held in high esteem, insomuch that one of the craft was thought worthy of the notice of Plato. A specimen of these choice preparations will be enough for our readers,—rather more than they would wish to eat. One favorite kind was flavored with poppy-seed; another was made of flour and honey together with oil; another was made of flour and water boiled, with a seasoning of pepper, cinnamon, saffron and cheese.

The fishes were as closely connected with a taste for loaves as in the patriotism of modern politicians. This seems strange to us in New England, whose forefathers sentenced themselves to a dinner of fish once a week by way of a necessary bounty to encourage the trade. The passion of the Athenians for fish was carried to an extreme, which might seem excessive to those, who do not know the gratitude of republics to all who render them similar services. Two young Athenians were knighted on account of the excellent salt-fish sold by their father. Fish was the food of the Greeks on their

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military and naval expeditions; and epicures made a point of boiling them in salt water, a point on which we believe their sentence has not been affirmed by their modern successors. We are sorry to say that the fish-mongers were not exempt from the ordinary fate of human nature. Like all other bodies of men in republics, when they were weak, nothing could exceed their humility; but when they felt that they had the comfort of the citizens completely in their power, being able at any time to abridge the perpetual Lent in which the republic delighted, the men of nets became a very aristocratic class. A Greek writer expressed his indignation at their assumption, with eloquence which bordered on the profane, saying, that when he saw Generals looking big, he did not so much wonder, though he thought they might have had more sense; but when he saw those execrable fish-mongers strutting through the streets with their eyebrows as high as the top of their heads, not deigning to look at any common mortal, he felt as if he could die sooner than see so detestable a sight.

The meats used by the Greeks did not materially differ from those approved by the Romans. Some of the luxuries of the latter are less esteemed at the present day, such as puppies, and the large white worm found in rotten wood, which is now extensively used, we believe, only in New Holland. The snail was another of their dishes, which has now lost favor, except in Germany, notwithstanding an attempt to revive it, made by two men of science in Edinburgh half a century ago. The supper of Pliny consisted of a barley-cake, lettuce, two eggs, three snails, with a due proportion of wine. The Romans were in the habit of stitching up the eyes of poultry and cramming them with food in the dark, a practice which has prevailed in later times, but is now known to render the flesh unwholesome. When they killed swine, they often did it by passing a red-hot spit through the body; at first sight this would seem severe; but the pig could not reasonably complain, seeing that a treatment little, if any better, was extended by the Romans to conquered nations, who were content to call it glorious. Such ungentle practices, however, were not peculiar to ancient times, and we must not consider them as evidences of unkind feeling, since we find Isaac Walton directing the angler to use the living bait like a friend, and to put it upon his hook with the tenderest care. A household receipt, published in 1660, throws light upon this subject. It is as

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follows: 'Take a goose, or duck, or some such lively creature, pull off all her feathers, only her head and neck must be spared; make a fire round about her so that the smoke may not choke nor the fire burn her too soon; when she roasteth and consumeth inwardly, wet her head with a wet sponge, and when you see her giddy with running and begin to stumble, she is roasted enough. Then take her up,—set her before guests,—and she will cry as you cut any part off from her, and will be almost eaten up before she be dead; it is mighty pleasant to behold.' An agreeable entertainment truly, in every sense of the word!

Many of the ancient dishes, which are now disused, have kept their reputation far down into modern times. In the time of William the Conqueror, the peacock was an important dish both for ornament and good cheer. The feathers were removed till the bird was cooked, when they were carefully restored,—the beak and comb were gilded,—the tail spread, and in this state it was brought to be admired and eaten at the table. Various fantastic contrivances of this kind were resorted to in order to give variety and spice to entertainments, which were the most important concerns of the great in the intervals of hunting and war. Every child knows the fact, on authority which no one of their number ever questioned, that pies containing living birds were served up at the tables of the great; but though the words of the song expressly state that the birds were baked in a pie, we are happy to say that there is reason for believing that the pie was baked first and the birds enclosed afterwards: in fact, on any other supposition, their song would have ended before the feast began.

The common impression is, that this art of life was highly improved in England, from the earliest times, but the taste was probably not equal to the passion. The roast beef of old England, so well known to song, existed only in poetical visions. The Percy family in England have in their possession a book, containing the household system of an Earl of Northumberland, in the reign of Henry VII., in which every thing is set down with a precision, which would amaze a veteran housekeeper of our day. This has always been one of the wealthiest and most liberal establishments in England. The regular household consisted of one hundred and sixty-six persons, including the Earl's family, knights and gentlemen, and domestics with their families; in addition to these, preparation

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was made for fifty guests every day. From this book, it appears, that from Midsummer to Michaelmas,—September 29th,—they had fresh meat,—so called,—but lived on salted provisions all the rest of the year. And this fare was so much the worse, because they had no vegetables worth naming. Potatoes were not introduced till a century after; and in the succeeding reign, when the Queen wanted a salad, she was obliged to send a man for it to Flanders. The book directs, that 'My Lord has on his table for breakfast at seven in the morning a quart of beer and wine, two pieces of salt fish, six red herrings, four white ones, and on flesh days, half a chine of beef or mutton boiled.' The defects of this meal could not have been supplied by bread, because England was not at that time an agricultural country. Dr. Johnson tells us, that whoever does not mind that part of the frame most interested in these disclosures, will not mind any thing else; presuming, therefore, that our readers are not wholly indifferent to such concerns, we appeal to them as hungry and hearty men to say, whether it is not quite as well, that the lamented old times should return only in song; were the wish granted, and the times restored, the strain would subside into a dying fall.

The manner of eating has varied rather more than the material. In the Old Testament times, they seem to have been seated, like Homer's heroes, each at a little table of his own; but in later times, the Persian custom of reclining was very generally adopted. Three couches were wheeled up to the table on three sides, the lower being left open, that the servants might be able to approach the guests. They lay upon their left sides, with their heads toward the table, and their feet resting near the outer edge. This position would have been constrained and uneasy, had they not been supported; but the couches were provided with pillows, which could be arranged about the person, as the guest thought proper, against the back or under the side. Thus reclining, they fed themselves with the right hand, using neither fork nor spoon, the meat having been previously carved or torn in pieces. They often dipped bits of bread called sops, in the dish before they ate them. When they lay in this manner, one of course had his back turned to the person next to him, and when he wished to speak with his neighbor, he turned in such a way, as to bring his head upon the other's bosom. So that the expression, 'to be in another's bosom,' only meant being honored with a place next him at the table.

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The custom of reclining prevailed also among the Greeks and Romans. It was spread by the latter in the countries they subdued, which accounts for our finding it so general in Judea, when our Saviour came. They only reclined, however, at supper, which answered to our dinner, and was the principal meal of the day. The breakfast was light, consisting of fruit and wine. Near noon, they took what is sometimes improperly called a dinner; it was a luncheon, eaten without the form of collecting round the table. At supper, the main business of eating for the day was done. The master of the house and the older part of the family reclined; but the boys and girls, who were not then regarded as so important members of society as at present, sat at the foot of the table. Before the meal began, water and towels were handed to each, for the purpose of washing their hands, which there is reason to believe, was not a needless form. The guests brought each a napkin from home to use during dinner, and if any thing particularly struck their fancy, they used, by permission of the host, to wrap it in this napkin and send it home. Carving was an art regularly taught in schools, established for the purpose; institutions which might be revived with advantage. The carvers delighted to show their skill, and at large entertainments, they carved to the sound of music, keeping time.

The old English arrangements of the table were peculiar, and in some respects, patriarchal. The whole family, bond and free, sat at one table, the distinctions of rank being marked by the elevation of different parts of the table, or by the *salt*, which was generally large and of curious workmanship, placed upon the board to mark the boundary line. At the Percy table, the Earl's family were elevated above the knights and gentlemen, and they in turn, above the common herd of retainers. The Earl's table was provided with linen, that of the knights also had a table-cloth, which a distinguished historian conjectures, was washed once a month, though of this there is no certainty. It may enlighten us as to the scrupulous neatness of that day, to know, that the cost of washing in this family of two hundred persons, was never to exceed forty shillings a year, most of which was expended on the linen of the chapel. Holinshed complains of the exchange of *treene* (wooden) platters for pewter, and of wooden spoons for silver and tin ones. 'So common,' says he, 'were treene vessels in old time, that you should hardly find four pieces of pewter, one

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of which was peradventure a salt, in a good farmer's house. But now, our pewterers are grown so cunning, that they can in manner imitate any form or fashion of cup, dish, salt, or goblet, though it were never so curious and very artificially forged.'

The hours of the principal meals have varied in different ages, according to taste and climate. Those of the Greeks and Romans were rather earlier than those of the Hebrews. The former supped at three after noon in winter, and at four in summer; the general rule was to defer it till the great heat of the day was past. The variation of the hours illustrates the caprice of fashion; formerly the more fashionable used to show their superiority by taking their meals earlier than others. They bathed an hour before supper, and took exercise before bathing; the boys whipping tops, young men driving hoops and balls, and old men walking or riding. Similar notions of fashion prevailed in England. 'With us,' says an old black-letter historian, 'the nobility and gentry go ordinarily to dinner at eleven, before noon, and sup at five; merchants do dine at noon, and sup at six; husbandmen dine at high noon, and sup at six or seven;' so that, according to our ideas, the husbandmen were the most fashionable of all.

The next important art which we shall mention, is that of making houses. This, one would have thought, would be the first to improve; but men, in all ages, have shown a contentment with their accommodations of this kind, which is strongly contrasted with their impatience in other things. It is not every nation, that has felt the need of improving in this respect upon the provisions of nature. Some tribes, mentioned in Scripture, lived in caves; but as dwellings of this kind were not to be found every where, a cheap and airy dwelling was constructed, by tying together the branches of trees into tabernacles or arbors. In very cold climates, the snow affords materials for a comfortable dwelling. The Esquimaux still make use of them; as the heat does not escape through the snow, the air is warm within, while the cold without prevents the light material from dissolving. Tents also, covered with cloth or skins, have been largely used instead of houses, in civil as well as military life.

The Jews, Greeks and Romans seem to have been more ambitious to make their temples and public buildings splendid; acting upon that curious principle, which has so often made

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the many labor for the few; rather thankful for the opportunity, than provoked with the compulsion. The earliest kind of oriental mansion, of which we know any thing, is the same which is still in use in those countries. It consisted of buildings surrounding an open court, with roofs nearly level, sloping about an inch in ten feet, and covered with a composition of pounded stone, coal ashes, chalk and gypsum, which effectually excluded the rain. There was a breast-work all round, to prevent accidents; the same which was removed to let down the paralytic to our Saviour, as he stood in the court below. The family passed much time upon the roof in good weather, and often had a stair-case on the outside, by which they could go up or down, without passing through the house. They often slept upon the house-top also, but not without a canopy, to protect them from the dew.

The door was in the side toward the street, and opened into a room, which had another door opening into the court-yard. From this apartment, stair-cases led to the roof and chambers. The court-yard was surrounded with galleries and piazzas. The apartments of the females were in the most retired part of the house, where their windows looked into a garden. Homer speaks of women in his day, as generally confined in the upper story. The stories of the houses are not a modern invention. Diodorus says, that houses in Babylon were sometimes five or six stories high.

The general form of houses among the Greeks and Romans did not differ very widely from this, excepting that they often had two courts, and that the stables were on one side of the principal entrance, near the door. It would seem from an expression of Tacitus, that every one put up his house wherever he thought proper and could find room. Private houses of the common sort were generally built of wood, and as we are told, that they were often dangerous from their height,—three stories,—we must infer that they were rather mean constructions.

Wood was a cheap material in those days as well as ours; but they did not understand the art of using it to advantage; they were much more familiar with the means of employing marble and stone for the purposes of building. The art of sawing marble is very ancient; but it is tolerably clear that it was done without that instrument to which we give the name of saw. Pliny describes different kinds of sand which were

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used in this operation, and expressly says, that the sand produced the effect. It is not quite clear who is to have the praise of having invented this useful instrument; Pliny says Daedalus, others say Talus and Perdix. We regard as apocryphal the story, that the inventor employed the back-bone of a fish in the first stages of his invention. With such an instrument he might have kept on sawing to the present day without dividing a stick of wood in sunder. We should rather suppose, that by '*spina piscis*,' something more was meant than meets the ear, as the prohibition of Pythagoras, which prevented his disciples from using beans, referred not, as one might suppose, to an indigestible food, but to the beans which were used for voting at elections. We know of no fish but the saw-fish which is provided with tools of this description.

The old practice in making boards was to split up the logs with wedges; and inconvenient as the practice was, it was no easy matter to persuade the world that the thing could be done in any better way. Saw-mills were first used in Europe in the 15th century; but so lately as 1555, an English ambassador, having seen a saw-mill in France, thought it a novelty which deserved a particular description. It is amusing to see how the aversion to labor-saving machinery has always agitated England. The first saw-mill was established by a Dutchman, in 1663; but the public outcry against the new-fangled machine was so violent, that the proprietor was forced to decamp with more expedition than ever did Dutchman before. The evil was thus kept out of England for several years, or rather generations; but in 1768, an unlucky timber-merchant, hoping that after so long a time the public would be less watchful of its own interests, made a rash attempt to construct another mill. The guardians of the public welfare, however, were on the alert, and a conscientious mob at once collected and pulled the mill to pieces. Such patriotic spirit could not always last, and now, though we have nowhere seen the fact distinctly stated, there is reason to believe that saw-mills are used in England.

The art of civil architecture has advanced in England under such encouragement, with all the rapidity which might be expected. In the time of Alfred, houses were rather indifferent things. We are told by a Saxon historian, that Alfred wished to construct a machine for distinguishing the hours of the day and night, because, says the oracle of Sir Roger de

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Coverley and Nicol Jarvie, 'there was at that time no special way of distinguishing them.' He marked a candle into several divisions, each to represent an hour by the time consumed in burning; but so much wind was perpetually coming in through the *chinks* of the palace, that nothing could be determined by this kind of measure. If the aforesaid chinks in the palace had not been stopped, or the public eye blinded, it is doubtful whether royal government would have lasted till the present day. Modern sovereigns have been more disposed to kill time than to measure it; and it is on the whole, the most harmless kind of murder in which great men can indulge their ambition.

In the time of Elizabeth, the general style of building was not very superior to the one just mentioned. 'Building,' says Harrison, 'consisteth of timber cast over with clay to keep out the wind.' One would suppose that the window, if, as old writers say, it was a *wind-door* for the purpose of admitting that element, would have been a very useless addition to the expense of such constructions. The ancients, as Herculaneum sufficiently proves, understood the art of making glass; but they seldom, if ever, used it for their windows.* Down to the twelfth century oiled paper or linen were used instead of it, and, perhaps, admitted as much light as one of our ground-glass windows. The complaint that effeminacy gains ground, is not limited to any age. Old Holinshed in his chronicle bewails the changes that are taking place in building. He says, 'in times past, men were contented to dwell in houses of sallow, willow, &c. so that the use of the oak was in a measure dedicated wholly unto churches, religious houses, princes' palaces, and navigation; but now sallow, &c. are rejected, and nothing but oak any where regarded; and yet see the change: when our houses were builded of willow, then had we oaken men; but now that our houses are come to be made of oak, our men are not only become willow, but a great many altogether of straw; which is a sore alteration.'

We come next to the art of warming houses, an art of some importance in a climate like ours, where it is required two thirds of every year. Not a vestige of a chimney is found in

* Bonuci, in his History of Pompeii, published at Naples in 1828, describes the bathing-room in the house of Diomedes as having a window, provided with *four panes of glass, similar to ours.* See the Vestal, a Tale of Pompeii, p. 186; a work that does great credit to the talent and research of the young author.

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Herculaneum, nor is there any reason to believe that they were known in ancient times. The name was given to the hole in the roof through which the smoke escaped after the manner alluded to by Horace, when he compared care to smoke passing round the ceiling. The ancients made use of the smoke to season the wood which they used for particular purposes; such as making ploughs, wagons, and rudders. Still it was a serious inconvenience to them, and they tried various means to rid themselves of an evil, which caused them to shed many tears. They peeled the bark from wood; immersed it in water, and let it dry; hardened it over the fire; soaked it in the lees of oil; but all to no purpose. Athenæus says, that one of the qualifications of a good cook is to know in which direction the smoke will move, for it often spoils many dishes. Columella gave directions for making the kitchen roof so high as not to be set on fire. If the proverb, 'the smoke follows the fairest,' be ancient, as Sir Thomas Brown declares, the incense paid to beauty must have been infinitely more abundant in that day, though possibly less acceptable, than in ours.

The houses in oriental nations were not furnished either with fire-places or stoves. A brazier with fire in it was carried wherever fire was wanted, and the smoke escaped in its own way, no express provision being made for its retreat.

It appears from Seneca, that the Romans were partially acquainted with an invention, which has been thought quite new. Their common practice seems to have been to keep a fire in the great hall in a metallic vessel. The *images* were stationed in this apartment, and hence derived the name of 'smoky' images. But, beside this, as this writer informs us, they conducted warm air from a furnace to any part of the building. This statement is confirmed by a discovery made at Herculaneum. Under the lower apartments of a ruined villa, were found chambers about as high as a common table excavated like our cellars. These chambers were made very close to prevent the escape of the heat; they were roofed with broad tiles and supported by pillars, which, as well as the tiles, were strongly cemented, that the heat might not separate them. Here the fire was made, and in the roofs of these chambers were square pipes of clay hanging half way down, the mouths opening into the apartments above. Similar pipes were carried into the second story of the house. The mouths of these pipes were ornamented with a lion's head of burnt clay, and

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so formed that they could be regulated at pleasure. The vapor or steam-bath was situated directly over one of these chambers. Truly, there is nothing new under the sun.

Whatever may be meant by the '*lapis obsidianus*' of Pliny, there is no proof that coal was used by the ancients as fuel; in fact, had they known some kinds of our coal, they would not have thought of employing them except as a material for fire-proof buildings. In England, pieces of coal have been found under the Roman military roads, which shows that the article was known, but it was not used to any considerable extent till the forests had begun to fail. We learn from Stow, that in the time of Edward I., the nobility and gentry, who resorted to London, made a remonstrance to the king against what they called 'the sore annoyance and danger of contagion growing by reason of the stench of burning sea-cole.' Whereupon the king issued an order, that 'all men should cease burning cole.' Fortunately kings have no power to repeal the law of nature, which provides that when wood becomes more valuable for other purposes it shall cease to be applied to this, and has provided abundant magazines of coal, which are brought to light whenever and wherever they happen to be wanted.

We really shiver as we read the sparing provision made for this kind of comfort in the great household of Northumberland. Only twenty-four fires were allowed, beside that of the kitchen, and to most of these the allowance was but a peck of coals a day. Nearly all these fires ceased at Lady-day, except those of the Earl's family, which continued on half-pay for a short time after. There must have been much cold weather after the 25th of March, unless the seasons have undergone a great and melancholy alteration. But habit may have reconciled them to this privation; and, in truth, the transition was not very great from such fires as could be made with a peck of coals a day, to no fire at all. Where the wind is not tempered to the lamb, the lamb is tempered to the wind, which answers the purpose as well.

The oldest mention made of chimneys, such as are used at present, is in a Venetian inscription, which states that some were thrown down by an earthquake, in 1347. They could not have been introduced in England till long after this time, since Holinshed, who lived in the sixteenth century, mentions them as among the growing luxuries and corruptions of the times. He alludes to them more in sorrow than in anger,

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and as if he were aware that the obvious advantages attending them would render vain all attempts to put them down. Still he thinks it his duty to file a solemn protest against them. 'Now we have many chimnies; and yet our tenderlines complain of rheums, catarrhs, and poses; then we had none but reredosses, and our heads did never ache. For as the smoke was supposed to be a sufficient hardening for the timber of the house, so it was reputed a far better medicine to keep the good man and his family from the quack or pose, wherewith then very few were acquainted.' He says, that in his younger days, there were not above three or four chimneys in 'the most uplandish towns in the realme,' but that every man made his fire against a 'reredosse,' in the hall where he dined and dressed his meal.

We come now to the bed. In the early ages, skins were generally used both for bed and pillow. In travelling, the wayfarer was content to take a stone for a pillow, and having spread his upper garment on it, to sleep without any further preparation. Carpets were sufficient for this purpose with most of the people in later times, and had the advantage of being easily transported from one place to another. In order to take up his bed and walk, a man had nothing to do but to roll it up and place it under his arms. This seems to have been the only purpose for which carpets were used in ancient times. There are not many regions of the earth, even now, in which they are generally employed as a covering for floors. The old practice in England was to strew the floor with rushes, so that visiters, who could not find any other seat, might, without much inconvenience, deposit themselves upon the floor. But even as regards the interests of neatness, it would have been quite as well to have left it bare, for Erasmus, in describing respectable English houses, gives us to understand, that under the rushes with which the floor was spread, lay a collection of fragments, bones, beer, and a thousand other abominations. He says, that no doubt the frequent plagues in England were owing to this unsavory practice; and there has been no example of that disorder since the great fire in London, in the time of Charles II., purified the city. This exemption was, probably, ascribed to the operation of quarantine laws, since every nation makes it a point of honor to deny that plague or yellow fever ever originated at home.

But to return to the bed. In the times of the Hebrew

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kingdom, the bed resembled a divan, consisting of a low elevation running round three sides of a small room. This was covered with stuffed cushions of the same width, and bolsters were put on the back against the wall. They also had beds resembling our sofas; but these were luxuries; a carpet was enough for the greater proportion of the people. The Romans, luxurious as they were, do not appear to have made use of feather-beds much before the time of Pliny. In the early republican times they slept on leaves, afterwards they used hay and straw. The luxury of the Greeks and Romans did not consist in their sleeping accommodations. The dining couch was a much more effeminate affair.

Till the close of the thirteenth century, straw was common in the chambers of palaces. The kings of England used to sleep, father and son in the same chamber. How retired a king's bed-chamber was, appears from a story told by Stow, of an early English king, whose treasury was near his bed. One evening a young man came in and stole some money, thinking that the king was asleep. Having secured that, he returned for more, but the sovereign, who had seen him all the while, said, 'Thou art too greedie, young man, take what thou hast and be content, for if my treasurer come in, he will not leave thee one penny.'

There has been no regular improvement in the art of sleeping. It has varied with the taste of individuals and countries. Every one knows the story of the chieftain of Lochiel, kicking the snow-ball pillow from under the head of his huntsman, and telling him that he had no business to be more delicate than other people. The heath bed has enjoyed much reputation in Scotland. The author of Waverley tells us, that within his remembrance, after large parties, the ladies would sleep a score in a chamber, while the gentlemen asked no better quarters than the barn. Our ancestors in England were not too particular in this respect. Holinshed says, 'Our fathers, and we ourselves, have lain full oft upon straw pallettes covered only with a sheet, under coverlets made of dagswaine or hopharlets, and a good round log under their heads for a bolster. If it were so, that the father or good man of the house had a mattress or flock-bed, and thereto a sack of chaff to rest his head upon, he thought himself to be as well lodged as the lord of the town, so well were they contented. Pillows, said they, were thought meet only for sick women. As for servants,

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if they had any sheet above them it was well; for very seldom had they any under to keep them from the pricking straws.'

We must now give some little account of the subject of dress. The practice of weaving wool, cotton, and flax, is of very great antiquity. The Egyptians excelled in it; and that the Israelites profited by their teaching, appears from the decorations of the tabernacle, which were made in the wilderness under every possible disadvantage. Woollen was less valued than cotton, and cotton less than linen, hair-cloth least of all. Cotton cloth was left white; the others were colored with a purple dye procured from a certain shell-fish. Scarlet was obtained from an insect found upon the oak. The dark blue or hyacinth, was formed by an extract from the cuttle-fish. Party-colored cloths were most admired, and a coat of many colors was an object of as much ambition, as a shirt of furniture calico among our Indians now. The Hebrews, it is well known, were forbidden to wear a garment made of wool and linen united; probably, this order was intended to keep them apart from the heathen, by whom such a dress was very generally worn.

In one respect, the ancients differed materially from the moderns. With them a dress descended from father to son, and from generation to generation, without being subject to the 'proud man's contumely,' by reason of its being out of fashion. Those were days in which the tailor did not make the man; no cravat bound the throat, to remind the exquisite of the destiny to which all may come; no bonds, save those of justice, ever imprisoned the free limb; no tight shoe gave anguish to the much-enduring toe. The garments might then be made at once for the life-time; and if neither moth nor thief reached them, they were a safe property, which did not lose its value. Perhaps some future lexicographer may find here the etymology of the word *investment*, which, albeit unauthorized in this sense by Johnson, is a word, which stirs like the sound of a trumpet, many a heart in our land.

The most ancient garment was the tunic; which was a sort of gown fitted to the form, having short sleeves and a girdle. This was worn by both sexes. There were two kinds of girdle; one made of leather and secured by clasps, the other of cloth; both were employed as purses, having an opening through which money could be inserted. When a person had

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no garment but the tunic, he was said to be naked; a fact which throws light upon some passages of Scripture, and removes, in some slight degree, the reproach which rests upon the exercises of the Spartan girls.

The upper garment was a plain piece of cloth, generally ten or twelve feet long, and half as wide; which we suppose would now be called a mantle. It was often woven in a single piece without a seam, and was thrown like a shawl over the shoulders; sometimes drawn over the left shoulder and fastened at two corners by a buckle on the right. It was on this garment that the Hebrews were directed by Moses to wear the blue riband which distinguished them from other nations. The poor used it as the Highlanders did their plaid, for bed-clothes by night; and for this reason, if the Hebrew creditor had seized this article of dress, he was compelled by law to restore it before night-fall. The chief difference between the male and female dress was, that the latter always wore the veil. Laboring men went to their work without the upper garment, which explains the prophecy, that at the siege of Jerusalem, they will have no time to return for their clothes. When they went to any distance on foot, they gathered the tunic in folds, and secured it with their girdle at the waist, that it might not embarrass their feet; this was called girding the loins.

The dress of the Greeks and Romans was not very different from this. It was flowing and graceful; but while we allow that in point of freedom and appearance their drapery was better than ours, we maintain, that in some other respects the advantage is decidedly our own. What is now called linen, for example, an article so important that no man willingly dispenses with it, was wholly unknown to the ancients, and had they known it, its advantages would have been in a measure neutralized, by their practice of putting oil on their limbs and head. There are some respects in which the personal habits of the ancients will not bear investigation. The pocket-handkerchief, which is found in all but the most benighted portions of the modern world, was not among their comforts and blessings; and what supplied its place is more easily imagined than described. As one other slight indication, Pompey the Great appears to have been ridiculed by a satirist, because, with a remarkable effeminacy, he made use of but one finger in scratching his head.

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It is no easy matter to tell when the modern dress was first used. Nothing resembling pantaloons was worn by Hebrew or Greek, nor the earlier Romans. It appears that they were known in Babylon, and were so made as to cover the foot, so that the hint of the stocking was evidently taken from an amputated leg of this garment. Something of the kind was also in use among the Gauls, who were in general by no means curious in such matters, and in the fifth century they were worn in Rome; but it was thought beneath the majesty of Rome to borrow fashions from a conquered people; and a law was passed, compelling all who made or wore them to retreat with their new finery from the premises of the city. The modern small-clothes were first worn in the time of Louis XVI.; the article in Scripture, which bears a similar name, was nothing more than an apron gathered round the waist and falling to the knees. As this article of dress originated in France, it came near ending where it began. Few specimens of it being found in the regiment of Anacharsis Clootz, it was rejected from the revolutionary uniform, not so much by positive edict as gradual decay, and in this situation, like other patriots, they represented themselves as sacrificing their private comfort for the public welfare.

It would be amusing enough to trace the history of English fashions, but we have not room. It seems that they depended very much upon those of their neighbors. After the successes of Edward I., most of the English ladies were provided with foreign dresses, and, as might be expected, we are informed by Stow, that 'the matrons being proud in their French apparelle, did brag.' In Henry IVth's time, says the same authority, 'was excessive pride in dress; gownes with deepe and broad sleeves, commonly called poke sleeves, which might be called receptacles of the divell, for they did hide what they stole in their sleeves, whereof some hung down to the knees full of cuttes and jagges.' From this it appears that the female fashion of the day is not without reason and example. Edward IV. ordained that no persons under a certain degree, 'should weare in their array any bolsters of wool or cotton.' But there is no end to the list of extravagant fashions. Queen Elizabeth passed more laws than one to restrain extravagance in dress; as a comment on her judicious regulations we may mention, that at her death, more than three thousand dresses were found in her wardrobe, being probably

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all that she had ever worn in her lifetime, since it is not upon record that she ever gave any thing away.

Anciently there was no covering for the head, except the mitre for the priests and princes. The Eastern nations were fond of displaying the hair; the Roman ladies made a practice of dying it yellow or red. The modern hat was not worn till the fifteenth century; before that time they used woollen caps, when the weather required any protection for the head.

The covering for the feet needs to be more particularly mentioned. Sandals were most common among the orientals. As they were mere soles of wood or leather fastened to the foot with strings, they were no protection from the dust; hence arose the hospitable practice of washing the visiter's feet; a practice so much insisted upon by public opinion, that if any one passing out of a house beat the dust from his feet, it showed that they had not been washed, and left on the house the reproach of inhospitality, which was the deepest of all dishonor.

The Greeks and Romans added the moccason or buskin to the sandal; the former was worn by tragic actors. The shoe makes quite a figure in English history. In the time of Richard I., says Stow, 'began the detestable use of piked shooes, the toes being tied up to the knee with chains of silver or guilt.' Edward IV., says the same historian, ordained 'that no man weare shooes or boots having toes passing two inches long; no peakes of boots or shooes to pass that length on pain of cursing by the clergie.'

The art of knitting was unknown to the ancients; that of netting they understood. This has occasioned some slight perplexity to scholars, who are not supposed to know the difference between the two operations. Knitting is tolerably well known. We have looked into Johnson's folio to ascertain what net-work is; he defines it as 'any thing reticulated or decussated at equal distances, with interstices between the intersections.' If this does not explain it, we know not what will. Those of our readers, if any there be, who have no stockings, may be comforted by the assurance, that all the great men of antiquity were, so far as this privation goes, equally unhappy.

The stocking-loom was invented by William Lee, an Englishman, in the year 1589. Several romantic stories are told of the first suggestion of this invention; that, for example, it

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owed its existence to a passion for a girl, who paid more attention to her knitting than to him, which induced him to turn his attention in the same direction. The French have claimed the invention, probably, because Lee, finding no favor in England, went over to Paris, and was patronized by Henry IV., but being neglected after the murder of that King, he died in distress at that city.

It is well known that silk, which is now so generally employed in the manufacture of stockings, was introduced into the Roman empire by Justinian. But some are perplexed by the mention made of silk in Scripture, in the history of Alexander the Great, and in the Georgics of Virgil. The kind of moth, whose winding-sheet is so much employed by the human race at present, has supplanted various kinds that were known before, such as lived on the oak, pine, and ash; and another, which was called the silk-worm of the sea, the silk being the delicate cordage with which the mother-of-pearl lashes itself to the rock. The Chinese, or mulberry silk-worm, has taken place of the rest—except in Ceos in the Archipelago. Chateaubriand mentions, that in visiting that island he called on the Bishop, whom he found engaged in spinning; the prelate, who was a decided utilitarian, sharply reproved the traveller, telling him that he might improve his time better than in searching for bits of old marble.

As soon as stockings were invented, they began to make them of silk. Howell says, 'that great and expensive prince, Henry VIII. wore ordinarily cloth hose, except when there came from Spain, by great chance, a pair of silk stockings. King Edward, his son, was presented with a pair of long Spanish silk stockings by Thomas Gresham, his merchant, and the present was much taken notice of.' Stow says, that 'in the third year of Elizabeth, Mistress Montague having presented the queen with a pair of silk stockings, she was so delighted with them, that she never would weare cloth hose after.' How valuable such a possession was in that day, appears from a letter of James I., written while he was king of Scotland. It was addressed to the Earl of Mar, telling that nobleman, that the Spanish Ambassador was to be presented at court, and begging the loan of his stockings for the occasion. It contains this touching appeal; 'Ye would na sure that your king should appear as a scrub before strangers.'

There are interesting questions connected with this subject;

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why, for example, are the arts of life so humble and mechanical, while the arts of death are so imposing and high. But we have not room to discuss them. We hope that these inventions will continue to multiply, and are content to esteem as a benefactor to mankind, every one who adds to their number. It is true, they are things that pass away; this is because one improvement follows and supplants another; it is like the teeth of childhood; the new push out the old, and are ready to take their places when they fall.

ART. IV.—*Pennsylvanian Biography.*

Memoirs of the Historical Society of Pennsylvania. Part II. Philadelphia. 1830.

We have always attached great importance to the systematic study, as a part of education, of the personal narrative of the Revolution. No nation the world has ever known can make a more substantial boast, as respects the character of its founders, than we can, and classical antiquity has no more romantic picture than our free infancy presents. Pride in such an ancestry is an elevated and honorable sentiment, which we would fondly cherish, as calculated to fill a void which may be less beneficially supplied. 'Ad illa, pro se quisque acriter intendat animum, quæ vita, qui mores fuerint; per quos viros, quibus artibus domi militiæque partum et auctum imperium sit.' It is surely not extravagant to say, that the man, who thoroughly imbibes the spirit of romantic devotion which actuated our revolutionary progenitors, will scorn the humbler associations of ephemeral politics, and, in aiming at an imitation of the virtues of our heroic age, will rise to a level suited to such an emulation. Let any one study with attention the biographies of such men as James Otis and Josiah Quincy, and watch the developement of patriotic ardor, which, when once it burst into a flame, defied control, the fearlessness that shrunk from no danger and despised all compromise, the willing immolation of every selfish feeling, and the romantic consecration of every faculty to what seemed to be the engrossing purpose of their being, and he will hardly view with much respect the feats and honors of a modern politician. We have referred to these two instances, on account of their marked peculiarity, and be-

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cause they are among the few, which the care of posterity has illustrated. The principles on which they acted were those which guided every patriot of the times. There seemed to be a holy atmosphere that enveloped the soil of freedom, and exerted its genial influence on all who breathed it. It is painful to confess, that less pure breezes have occasionally tainted this consecrated element, and to observe the difference which, in point of moral and poetic beauty, may be discerned in the career of the same individual. We shall not easily forget the unpleasant effect produced by the contrast of the revolutionary with the post-revolutionary memoirs of Mr. Jefferson, his autobiography with his 'Ana.' In the first, we trace the operation of pure and patriotic sympathies, and affections too active and powerful to permit the intrusion of personal antipathy, or suspicion of any feeling unworthy of the great cause he was so anxiously promoting; in the last, it is impossible to be blind to the influence of party association on a vigorous and honorable mind, in fostering unkind resentments, and perpetuating hostility of the severest description. And yet, of all the eulogies which the natural enthusiasm of the day has bestowed on that great man, how few, in comparison, are founded on the enduring basis of his revolutionary services.

It is matter of sincere regret, that as a study and a part of at least accomplished education, the history and biography of the Revolution have been so grossly neglected. We do not hazard much in saying, that there is no given portion of modern history, with the details of which the great body of our fellow-citizens are less familiar, than that which records the actions of our immediate ancestry; and that there are many, very many Americans, young and old, who, while they would smile in scorn, if asked what 'ship-money' or '*lettres de cachet*' were, would pause in ignorance if catechised as to the objects of 'the Quebec bill' or the 'writs of assistance.' Hampden, and Russell, and Sidney, are names familiar to many, to whom the personal services of our own patriots are unknown. To produce a different result is the legitimate object of American literature, and it is with sincere pleasure that we hail any attempt, however humble, to rescue from the dark oblivion in which they have too long reposed, the records of our early fame. We would make it popular by all the fascinations of eloquence and all the mechanical embellishments of art. We would have a 'Family Library,' truly

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national, and instead of tainting the minds of our children by access to the records of justified or palliated crime, in the biographies of profligate heroes and licentious monarchs,* we would chasten them by the habitual exhibition of virtues of domestic growth, and actions of appropriate interest. Independently of the ulterior consequence of contributing to the capital stock on which the future historian of our country will have to operate, the revolutionary biographer may be stimulated by the reasonable hope of giving a new and salutary direction to the public taste; and, putting out of view the practical and substantial benefits to which we have incidentally referred, he will find, that the personal narratives of our early history are replete with incident worthy of illustration from authors as able and accomplished as any that our country has yet produced.

Our attention has been recently directed anew to the materials for supplying the void to which we have alluded, by the publication of the volume whose title we have prefixed to this article. Though it is in itself meagre in point of novel information, the source from which it emanates entitles it to some notice at our hands, particularly as it professes, in part, to illustrate portions of our early history, which have hitherto been in great measure neglected. We refer, especially, to the revolutionary annals of what, at the commencement of the contest, was the metropolis of our country. It is matter of painful astonishment, that, with the abundance of materials and the acknowledged existence of the requisite ability, no biography of a Pennsylvanian patriot has yet appeared. The descendants of the great men whom that portion of the Union produced, owe a vast debt to their country, which we hope will before long be cancelled; and if such a result shall be at all promoted by the cursory remarks we have made, every object we have in view will be fully attained. There is a peculiar interest connected with this subject, which deserves a more specific reference, than our limits will now permit us to make. All that we hope to do, is to point to the soil beneath which the treasures are hidden. Boston and Philadelphia, at the commencement of the contest, were the two points at which the flame of active patriotism seemed to burn brightest. The density of city population

* No. VI. Harper's Family Library, Southey's Life of Nelson; No. XV. Croly's Life and Times of George IV.

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quickened the contagion of revolutionary doctrines, and the fact, that the oppressive measures of the Government immediately affected commercial interests, rendered the large ports the scenes of the first grievance and complaint. Our city was the theatre of the first overt act of rebellion and actual insurrection. In fact, the materials for combustion had been long collecting there. At various times anterior to the general conflagration, the fire of opposition had burst forth; and though, as in the case of the combat with Captain Preston, it had been suppressed, every thing seemed on that account the more ready for rekindling, whenever accident should apply the torch. In our sister city, there was less harmony of sentiment and action, in consequence not only of a different constitution of society, but of an accidental difference in the course of events. Manifest as was the dissimilarity in the former particular, occasioned by the influence of the proprietary party, who had a direct and substantial interest in the preservation of tranquillity, and by the pacific tendency of the principles of the Society of Friends, it would beyond doubt have been less apparent, had the same impulse to violence been given. We do not pretend to say, that the staid and reflecting ancestors of our Philadelphia brethren would have gone to the work of rebellion, as did our progenitors, in masquerade; but there is every reason to believe, that, had the tea ships arrived first at that city, and the same arrogant folly and insolence been exhibited there as here, by the Government party, the waters of the Delaware would have been impregnated with the hated herb. As it was, there was more than one developement of excessive and appropriate exasperation. On receiving the intelligence of Dr. Franklin's examination before the Privy Council, a manifestation of feeling occurred, illustrative of the actual state of the public mind. A cart was prepared, with the usual decorations for such exhibitions, in which were placed the figures of the Solicitor-General, Mr. Wedderburne, and Governor Hutchinson, and in open defiance of the delegated authority of royalty, was drawn through the principal streets of the city, and with its contents publicly burned in the presence of an immense concourse at the Coffee-house. When the arrival of the tea ships was announced, a degree of excitement prevailed, which, had it not been tranquillized, would have led to open violence and resistance. Meeting after meeting had been held in anticipation of the event, and the most strenuous exertions made

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by all parties, to give to the inevitable explosion a direction suited to their various views. A spontaneous, though informal resolution was taken, that the ordinary services of pilotage should be withheld; and though the leading whigs earnestly opposed such a course, as calculated to discredit the cause of opposition, the decision was formed and the vessel was unable to procure a pilot. Her actual arrival below the city was a signal for a more open demonstration of popular sentiment. A town meeting composed of several thousand citizens was convened, and resolutions suited to the meridian of Faneuil Hall were adopted, threatening summary retribution in case the wishes of the people should be slighted. This indication of certain consequences, the captain and consignees thought it expedient to regard; and in less than six hours from the time of dropping anchor in the Delaware, the ministerial adventure was on its return to Great Britain.

We have referred to the conduct of the Philadelphians in relation to the Revenue Bill rather than to that produced by the Stamp Act, because it better illustrates the actual state of feeling anterior to the catastrophe, and because it served immediately to bring forward the patriots, who, in the eventful struggles of succeeding years, gained enduring fame. Before this time the ardent and zealous, those who were truly the men of revolution, cautiously, and, from a strong sense of expediency, kept themselves in the shade until accident should occasion the final rupture. They felt that active participation on their part might produce a reaction, and, by rendering the timid still more cautious, might obstruct the current of popular feeling, which they knew would flow on without their interference. The necessity and propriety of this reserve resulted from a peculiarity in the political condition of the Province, arising from local causes, and from the great ascendency of the Quaker interest, whose acquiescence it was necessary for the popular party to secure. For many years, the councils of the Colony had been distracted by conflicts of a violent kind. There had been an uninterrupted series of disputes between the proprietaries and the popular branch of the Colonial Legislature, of which the natural result was increased obstinacy on both sides, without the least shadow of concession by either. The Quakers, uniformly the predominant sect, averse in all instances from extremities of any kind, had acquired great influence, by their wealth, their numbers, and their respectability,

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and, by the inculcation of their pacific tenets, obviated the effect of contests so bitter and unremitting. Had these principles been less prevalent, different consequences would have ensued, and the Assembly of this Colony, like those of Virginia and Massachusetts, would have been the theatre of animated and fearless discussions, in which the least loyal doctrines would have been boldly uttered and resolutely sustained. As it was, however, in the first instance anti-ministerial, and *à fortiori* revolutionary opinions met with comparatively little favor. Every effort was made to prevent a rupture, which, if it once occurred, every one knew must be irreparable. It was necessary to try every conceivable project of conciliation and compromise, before this pacific set of men could be induced to enter the ranks of opposition. During the disputes with the Governors, the Friends had consistently supported what were called the popular doctrines, and had uniformly opposed the proprietary interests. Transition from one kind of opposition to another would seem to be natural. Yet, with all their inveterate and well-ascertained antipathy to the proprietors, and their avowed anxiety to alter the form of Colonial Government, they shrank from active resistance to the parent country, and scrupulously avoided the contagion of principles, by any construction or in any degree revolutionary. It was in this way, that the patriotic career of Pennsylvania was at first retarded, and it was on this account, that her active and zealous whigs appeared comparatively at a later period before the world. They were, for the reasons we have briefly stated, hampered by the necessity of a gradual persuasion of the Friends, and by the reasonable fear, that extreme measures of any kind, if taken too soon, would occasion a fatal secession. They had foresight enough to know that the halcyon season of equivocal tranquillity which then existed, and the continuance of which was the burthen of many a fervent prayer, could not in the nature of things endure long, and they attached too much importance to harmony of sentiment and action on the occurrence of the catastrophe, to endanger it by indiscreet and premature manifestations of their zeal. When Mr. Quincy, at a still later period, with characteristic ardor, complained in a letter to Mr. Dickinson, 'of the refinements, delays, and experiments of the Philadelphians,' he forgot the difference of the elements which he and his correspondent breathed; that while in the one place the atmosphere was

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electrical with indignant zeal, and but one voice was heard and one sentiment uttered; in the other there was a temporary qualification of hostile feeling, which time only could remove. He knew nothing of the anxieties and deferred hopes of those who sympathized with every grievance, and bitterly lamented their inability to place themselves at once in the line of opposition.

The crisis was not long postponed. The unceremonious refusal to permit the importation of the tea shipments, was an act of confessed illegality and aggravated insult, which no one was so sanguine as to suppose would be allowed to pass unnoticed by the ministry, and every one waited in silent expectation for the developement of vengeance. The Bostonians had thrown the tea into the river. The Philadelphians had not, because they had found in those interested more compliant adversaries, but had compelled the captain to carry back his cargo whence it came. The difference of offence was slight, for though there was but one criminal overt act, so perfect was the sympathy throughout the Colonies, that there were no degrees of excitement on this point, and those who had most actively offended were not more reasonably apprehensive than those who had justified the act of violence, and whose innocence of outrage could only be attributed to the want of opportunity. For several months after the tea ship sailed, there was an ominous tranquillity, broken by no expression of public feeling. It was the boding quiet that precedes the storm. There is a passage in the life of the puritan, Colonel Hutchinson, couched in the quaint language of the day, which is accurately descriptive of the period to which we allude; 'The land,' says the fair historian, 'was then at peace,—it being towards the end of the reigne of King James I.,—if that quietness may be called a peace, which was rather like the calme and smooth surface of the sea, whose dark womb is already impregnated of a horrid tempest.' Legislative omnipotence, the vital principle of the Stamp Act, the declaratory law and the Revenue Bill had been defied, and no one doubted, that severe retribution would follow the commission of what, on the royal and ministerial scale of criminality, was the height of political enormity. The bolt of vengeance did not long lie unemployed in the metropolitan armory. The fury of insulted authority was realized and concentrated in the Boston Port Bill, the news of which, and of the conduct of its

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immediate victims, reached Philadelphia in the early part of May, 1774, and marked the era of the full developement of the patriotic zeal, which previously had been unnaturally suppressed.

The object we have had in view, is not to dwell upon the details of local history further than as they illustrate the valuable biographical materials which are yet to be produced. The prominent incidents of the times have been recorded by the general historian; but the hidden impulses to action, the secret motives, the remote and final causes of these results, can be ascertained only from the private and confidential correspondence of the patriots of the times. In the interval between the intelligence of the Port Bill, and the meeting of the Congress of 1774, each hour seemed destined to develope some new mode of oppression abroad, and some variety of excitement and resentment at home. On the part of the patriots, activity had usurped the place of deliberation, and compromise and conciliation were forgotten in the sense of the necessity of some kind of opposition to claims and impositions, felt and acknowledged by all but a small fragment of the community to be intolerable. By opposition we do not mean actual hostility and rebellion, having independence for its aim, for such a result we have no reason to believe was then generally anticipated, but resolute refusal to acknowledge the right of imposition and coercion, and a readiness to yield unreserved sympathy to those who were the immediate victims of ministerial tyranny. Such an opposition was fully organized in Philadelphia before the assembling of the General Congress. When that body met, the necessity of local exertion seemed to be in a measure removed, and the individuals who had been the heroes of the provincial stage, and to whose merits and efforts we wish especially to refer, were transferred to a higher sphere of action on the legislative theatre of the nation. The proceedings of the Congress of 1774 are matters of history, to which we refer no further than incidentally to notice them. It was the venerable parent of American legislation, the untainted source of our national honor and renown. It was an assembly placed by the character of its objects above the suspicion of impure or selfish motive, representing the majesty of an injured people, and acting under the guidance of no wish, but to do full justice to the end of its institution. It embodied all the romance and purity of purpose that adorn revolutions, and was destitute of

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all the fanaticism and absurd and vulgar violence, that often disfigure them. On the minds of the citizens of the capital where it was convened, it had a most happy influence. All parties seemed to be satisfied. The personal character of the members, who were known to be, without exception, men of commanding intelligence and unquestioned respectability, was such as to inspire unlimited confidence. The mystery with which their deliberations were conducted, and the unanimity with which it was believed that all their resolutions had passed, although, as in the case of Mr. Galloway's proposition, which was adopted by a majority of but one Colony, there had been little harmony as to questions of policy; the manifest cordiality which marked their personal intercourse; the firm, but temperate tone of their published addresses, the most decided of which was the answer to the Suffolk County resolutions;—all had a tendency to compose the previous political agitation, and to assuage the bitterness of feeling, which had before been manifested. It is remarkable, considering the result, that the various views of all parties in the Province should have been so happily met. The zealous patriots, who, in case of extremity, looked directly to the last resort, knew that whilst temporizing measures were sanctioned by the Congress, in which body there were many as ardent as themselves, they could have no reason to complain. Those, again, who felt an equal interest in the support of Colonial rights, but who deemed temperance of language and action the safest and best policy, were satisfied with the moderation and caution of the Congress, and with the conviction, that those whom they regarded as their proper representatives, had great influence in that assembly. Even the timid and disaffected had less reason for discontent than they had anticipated. They, too, had their representatives, who, as in the instance of Mr. Galloway, were distinguished for talent and influence; and they found consolation amid their fears and forebodings in a decided preference of the counsels of the moderate party, with whom they had some sympathy, to those of the ultra patriots, with whom they had none. Such was the state of feeling in Pennsylvania on perceiving the success of this first experiment of independent legislation; and the satisfaction which all expressed was realized in the apparent cordiality with which the non-importation and non-consumption agreements were adopted and enforced. When these measures of peace-

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ful, but resolute opposition were recommended by Congress, it was not done by ordinary legislative resolutions, but by a solemn compact signed by the members, by which they bound themselves and their constituents 'by the sacred ties of virtue, honor, and love of country,' to the performance of the requisitions it prescribed. Public opinion fully sanctioned this obligation, and the loyal as well as the liberal portion of the citizens of Philadelphia, the tories as well as the whigs, immediately acceded to it.

In the Congress of 1774, there was one man, of whom his native State has especial reason to be proud, and whose memory we hope she religiously cherishes. We refer to the first of a triumvirate of patriots, to whom only we shall be able to allude at this time, John Dickinson, of Pennsylvania, the author of the Farmer's Letters. From the period of the first Colonial discontents, in consequence of the restrictions on the West India trade in 1763, and the Stamp Act in 1765, to the final catastrophe, Mr. Dickinson was the determined and efficient advocate of popular principles; and long before he was known beyond the limits of his native Colony, he had acquired a high and honorable distinction there by the part he had acted in the animated contests of local politics. The position he held was a singular and a fortunate one. He was friendly to the continuance of the proprietary form of government, which, in the peculiar circumstances of the times, he believed to be the one most conducive to the welfare of the community, and was at the same time intimately connected with the Friends, who, as we have said, were desirous of a change in the Colonial charter. From this peculiar relation, independently of the consideration of his commanding talents and unblemished private worth, his sentiments and conduct derived great influence. His constitutional moderation and deliberative disposition were remarkable. This distinction was not destined to be confined to the sphere of local action. The publication of the Farmer's Letters actually formed an era in the history of the times. They were republished and read throughout all the Colonies. No one of the numerous publications of the day acquired greater celebrity, and many, which, from peculiar circumstances, enjoyed for a time equal repute, were of far inferior merit. They are the finished product of the scholar's labors, and contain the genuine expression of the patriot's aspirations. In them, the student of revolutionary

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history will find a strain of simple and fervent eloquence suited to the theme, and an aptness of illustration and force of reasoning the most admirable and conclusive. If beauty of style and interest of subject form the essence of the distinction, they are part of the classical literature of our country. Their effect at the time of their publication was inconceivable, and the Pennsylvania Farmer was at once ranked among the most eloquent advocates of resistance that had then appeared. Yet who reads the Farmer's Letters now, and how many are there, we ask the question mournfully, of the multitudes of well-educated young men in our country, who have drunk largely of the poisoned stream of foreign political literature, and are familiar with all the gilded heresies which have been coined in the mint of British toryism, who are ignorant alike of the object and the author of these once celebrated productions? We will venture to express the hope, that some of those who peruse these pages will credit the cordial praise we have bestowed, and be induced to ascertain for themselves that our encomium is not undeserved. The tribute of admiration paid by Dugald Stewart to the early American state papers, is as justly due to the occasional publications of the day, of which the Farmer's Letters were beyond comparison the most distinguished. Mr. Dickinson was *par excellence* the writer for the first Congresses, and it is to his pen that we are indebted for a great portion of the addresses, which embodied in language so appropriate the resentment of an injured people. He wrote 'what the thunders uttered.' The addresses of the various conventions of his native Colony, the instructions from the people of Pennsylvania to their delegates in the General Assembly, the letters of Congress to the Canadians, and to the inhabitants of Bermuda on the Quebec Bill, the address to the King, and many other papers, which our space will not permit us even to mention, were written by him. It is known that Mr. Dickinson was opposed to Independence at the time when it was decided on by Congress, and that he did not sign the Declaration. It is not our duty, in this place or at this time, to vindicate his fame. In his doubts, let it be remembered, he was not singular. Caution and deliberation, perhaps too uniformly operating, were his characteristics, and it is apparent from the detached portions of his private correspondence, which have met the public eye, that, as the crisis approached when the destinies of his country were to be deter-

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mined, his constitutional temperament did not soon enough yield to the exigencies of the times, and that he hesitated a moment too long, and allowed others to adopt the decisive measure to which time would have reconciled him. His unpublished correspondence on this subject must be peculiarly interesting.

In strong contrast, in this particular, with the individual to whom we have just referred, was his early associate, Joseph Reed, subsequently President of the Executive Council of Pennsylvania. Of the character and temperament of the latter, we cannot convey a better idea than by describing him as the confidential and intimate friend of Warren and Quincy, and the one of their numerous correspondents to whom they seemed to write with the least reserve. Theirs was the intercourse of minds perfectly congenial, and confident, not merely in each other's faith, but in each other's zeal and enthusiasm. 'I congratulate you,' says Mr. Reed in a letter to Mr. Quincy, which has been published, 'on the rising glory of America; *our* operations have been almost too slow for the accumulated sufferings of Boston; but should our bloodless war fail of its effect, we are ready to make the last appeal rather than resign our liberties into the hand of any ministerial tyrant.' And it was in reply to this assurance, that his correspondent, filled with romantic enthusiasm at the prospect of events in which his hard fate prevented him from participating, made his prophetic declaration; 'I look to my countrymen with the feelings of one, who verily believes they must yet seal their faith and constancy with their blood. This is a distressing witness indeed. But hath not this ever been the lot of humanity? Have not blood and treasure in all ages been the price of civil liberty? Can Americans hope for a reversal of the laws of our nature, and that the best of blessings will be obtained and secured without the sharpest trials? Adieu, my friend. My heart is with you, and whenever my countrymen command, my person shall be also.' Mr. Reed belonged entirely to the era of the Revolution, the commencement and termination of his public life being coincident with the beginning and the end of the contest. His career was a short but a brilliant and eventful one, crowded with incidents worthy of ample illustration at the hands of those on whom the care of his memory has devolved. His private correspondence in 1774 with Lord Dartmouth, then Secretary of State for the Colonies, commenced

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by the young American at the suggestion of some foreigners friendly to the Colonial cause, encouraged by the minister, and abruptly terminated by Mr. Reed on the occurrence of hostilities at Lexington, must possess great historical value. The other features of his biography are marked with equal interest. In the early stages of revolt and opposition at Philadelphia, he was the orator of the patriotic party, and the individual on whose eloquence the friends of liberty principally relied. The commanding position which he then assumed was not subsequently abandoned. As the confidential Secretary of Washington during the opening campaign in New England; as the bosom friend and destined biographer of Greene;* as the Executive head of his native State during the gloomiest period of the Revolution, when her counsels were distracted by faction, and her great energies paralyzed by the discord of her rulers and the temporary secession of her troops; as the valued military counsellor of the Commander-in-Chief in the anxious hours which preceded the attack on Trenton; as the successful prosecutor of Arnold for rapacity and peculation, whose treason he was the first to suspect and denounce; as the associate of Morris and Laurens in repelling the insidious attempts of the agents of ministerial corruption, the detailed history of which has never yet appeared; and as the author of the reply so often recorded, and never to be forgotten, 'that he was not worth buying, but that such as he was, the King of Great Britain was not rich enough to do it;' in all his relations to the history of the times, his character and actions are clothed with peculiar interest. A shade of gloom attended the close of his honorable career. The termination of the war found him with a constitution impaired by exposure to unremitting anxiety and fatigue, and at the early age of forty-two, when the powers of his brilliant mind had reached their full developement, and at a period of public affairs, when he might have won new honors in a new career, he sank a broken-hearted man into a premature grave, dug for him by the restless hands of political malignity. The record of his virtues and his actions has, we believe, never been attempted, and in the allusion we have made to them, we have been guided principally by the imperfect information which general history affords. We are aware

*President Reed actually commenced a biography of General Greene, as well as a history of the Revolution, in neither of which works did he live to make much progress.

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how inadequate it is. It remains for others to do the subject more ample justice.

There is yet one name worthy of a far more substantial memorial than our transient pages can afford, with a reference to which we must conclude this article. We allude to that of Robert Morris, of whom it has been justly said, that our country, with a single exception, owes more to him than to any other individual of the times, and of whose public services, imperfectly as they have been understood and appreciated, we are reluctant incidentally to speak. The civil history of the Revolution is the history of Mr. Morris's life. The developement of his financial system,—and it is the highest praise to apply such a term to a structure raised on the uncertain soil, and adapted to the varying exigencies of revolution,—and the faithful narrative of his unwearied and successful efforts to supply aliment to the feeble Government which depended on him for sustenance, will be far more interesting than any historical or biographical memoir that has yet been written. It is a subject worthy of all that talent and experience can bestow on it. His services were confined to no local scene. His fame is part of the common property of the nation. The appointment of Mr. Morris to the office of Superintendent of the Finances was the great era of his life, and we had almost said, the most fortunate incident of the revolutionary contest. But the commencement of his usefulness, and of his public services, may be dated at a period long anterior. At the time of the first indication of serious opposition to the British Government, his native city and State acknowledged him as one of the most fearless and active of her patriots. The splendid services which he subsequently rendered, in the administration of the Continental finances, threw all the incidents of his previous life into the shade; but there was a beautiful unity in his whole career, which his future and faithful biographer will not forget. With respect to his administration of the fiscal concerns of the Confederation, it would be inconsistent with the design of these remarks to make any detailed or even general observations. What Mr. Morris accomplished, tradition and history have informed us, and in the blessings of our national credit, we realize the results of the system which he and his successor designed. How he accomplished the projects which his genius suggested, and with what specific difficulties and disappointments he had to contend, the progress of

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his financial plans from conception to maturity, amid circumstances of every variety of depression and gloom that clouded every mind, and prostrated every spirit but his own, the succession of hopes and fears which were never intermitted;—these are points, which a personal memoir and the unreserved publication of his familiar and confidential correspondence can alone adequately illustrate. In the delineation of Mr. Morris's character and services, which we gather merely from the meagre and unsatisfactory memoirs which have been published, and from the details which have been preserved by his few surviving contemporaries, the strongest peculiarities are his unbounded personal influence, the fruit of a life of unblemished integrity, and the spirit of philosophic heroism with which he seems to have been actuated, and which in the course of his public life was most severely tried. Without his personal credit, the system he designed, successful as his inspiring genius made it, would have been nothing but an inoperative theory, and all the horrors of national bankruptcy and military despotism, the one rendered necessary by the other, must have ensued. It is said to have been the honorable distinction of the Spanish colonial merchants, that in commercial intercourse with them, the artificial securities of notes and guarantees were never resorted to, and that an entry in their own books, or a mere parol promise, using the word in its ordinary sense, constituted a safe and religious obligation. Confidence like this, which never was, and never will be habitual with us even in peaceful times, Mr. Morris was enabled to realize amidst the anarchy and convulsion of a civil war. If the army needed provision or ammunition, his promise of indemnity alone could procure a supply even from the most cautious; by his aid money could always be raised, and the name of Robert Morris on a note gave it a currency and credit, which neither the States nor the Confederation could command. His letters to different individuals in relation to the various exigencies of the Government are richly adorned with the moral beauty which this weight of character imparted. In one to General Schuyler, in the year 1781, on the occasion of a request to that officer to procure some supplies, he used the following characteristic language. 'I take it for granted, that you can upon your own credit and engagements raise this money; and for your reimbursement you may either take me as a public or a private man, for I pledge myself to repay you

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with hard money wholly, if required, or part hard, part paper, if so you transact the business. *In short, I promise*, and you may rely that no consideration whatever shall induce me to make a promise that I am not able to perform.' That security was never known to fail. By the heroism to which we have alluded, we mean the perfect subordination of natural feeling to a stern sense of duty, which enabled him to withstand all the cavils of calumny and suspicion to which his official station exposed him, in the full reliance that the time would come, sooner or later, when all would acknowledge the propriety of his measures, and the purity of his motives. Mr. Morris passed through every variety of trial in this respect, without the slightest faltering of resolution, and on no occasion is it recorded of him, that for the purposes of temporary vindication he sacrificed a public benefit, however remote, or swerved from the line which his sense of official duty pointed out for him to follow. The judgment which his sagacity assured him was inevitable, has long since been pronounced. During his life, all the misrepresentations of his public character that had ever existed were dissipated, and every succeeding year, as it elicits some new memorial of his services, pays new and cordial honors to his memory. The closing hours of this illustrious man also were obscured by personal misfortune, and darkened by pecuniary difficulties induced by speculations, in which misplaced confidence and a sanguine temperament had led him to participate. But overwhelming as were those misfortunes, and dark as was the shade they cast upon his parting hours, their effect has, we have every reason to believe, been much misunderstood, or most unkindly misrepresented. The consciousness of unsullied honor and honest motives was a support that never failed him. The vigor of a mind like his, trained in the school of difficulty, and strengthened by continued probation in a public post of painful responsibility, was not subdued; and while he saw around him the wreck of hopes and expectations in which he had fondly indulged, he submitted to the blow with calm resignation, and found in the discharge of familiar and social duties enough to console and cheer the short remnant of his eventful life. Mr. Morris devoted the last years of his life to the selection and arrangement of his financial papers and letters, which remain a rich legacy to his posterity and his country.

There are other individuals connected with the history of

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the Revolution in our sister State, to whose memory we regret our inability to pay the tribute, which is most justly due. The names of statesmen, such as Charles Thomson, James Wilson, and Thomas McKean; of gallant soldiers like Wayne, and Mifflin, and Potter, and Irvine, and Armstrong, are worthy of a more elaborate notice than we now have it in our power to bestow.

We owe some apology to the respectable association, the title of whose transactions we have placed at the head of this article, for having used their volume merely for our own convenience, without a specific reference to its contents. As there is nothing, however, among the papers now published, with the exception of a single memoir, which relates to the subject to which our observations have been directed, we may be excused for the unceremonious manner with which we have treated them, and for one suggestion in parting. We regret to find, by a comparison of this with the preceding volumes of the society's transactions, that so small a share of their attention has been bestowed on the revolutionary annals of their State, and may be permitted to hope that they will be induced to give another and more profitable direction to their inquiries. Much may be done by them towards illustrating the subjects to which we have cursorily referred. Materials may be collected, records preserved, and the testimony of the few survivors of our age of honor and legitimate renown may be perpetuated. The colonial history of our country, with which alone the society seem to have employed themselves, is a subject of little interest, except so far as it throws light upon the circumstances attending our national birth, and one about which the public may be excused for being very indifferent. We would not exchange one document illustrative of the era of the Revolution and of the ancestry from whom we have inherited our youthful liberties, for all the records of charter history that now slumber in appropriate oblivion. They are as worthless in comparison as was the commentary on the Psalms, which for so many ages obscured the treatise *de Republicâ*. The unhonored sleep in which the revolutionary progenitors of our Pennsylvanian brethren repose, will, we trust, ere long be broken; and if any thing that we have said shall have a tendency to produce that result, all the ends we have had in view will be attained.

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ART. V.—*Defence of Mechanical Philosophy.*
Signs of the Times.—Article VII. in the Ninety-eighth Number of the Edinburgh Review, for June, 1829.

The article which we have just named raises the grave and solemn question, whether mankind are advancing or not, in moral and intellectual attainments? The writer expresses his opinion, with sufficient distinctness, in the following words; 'In whatever respects the pure moral nature, in true dignity of soul and character, we are, *perhaps*, inferior to most civilized ages.' If this be true, it is a truth of deep and melancholy import. But is it true? Well may we pause, and ponder the matter carefully. What are the petty controversies which agitate sects, parties, or nations, compared with one which concerns the destinies of the whole human race? When we essay to cast the world's horoscope, and interpret auguries for universal man, it becomes us to approach the task with diffidence. And we do approach it with unfeigned diffidence. We despair of being able to rise to the height of the theme, on which we are to speak. Yet we feel that good may come even from the attempt.

Are we, then, in fact, degenerating? Has the hand been moved backward on the dial-plate of Time? Has the human race, comet-like, after centuries of advancement, swept suddenly round its perihelion of intelligence, and commenced its retrogradation? The author of the article before us, as we have seen, expresses, though with a *perhaps*, his belief of the affirmative. Throughout the whole article, with the exception of the last paragraph or two, of which the complexion is somewhat more encouraging, he draws most cheerless conclusions from the course which human affairs are taking. If the writer do not, as he humanely assures us in the end, ultimately despair of the destinies of our ill-starred race, he does, nevertheless, perceive baleful influences hanging over us. Noxious ingredients are working in the caldron. He has detected the 'midnight hag' that threw them in, and her name is Mechanism. A more malevolent spirit, in his estimation, does not come from the hateful abodes. The fated inhabitants of this planet are now under her pernicious sway, and she is most industriously plotting against their weal. To countervail her malignant efforts, the author invokes a spirit of a character most

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unlike the first. Her real name, as we shall see, is Mysticism, though this is not pronounced in the incantations.

Now we cannot help thinking, that this brilliant writer has conjured up phantoms for the sake of laying them again. At all events, we can see nothing but phantoms in what he opposes. In plain words, we deny the evil tendencies of Mechanism, and we doubt the good influences of his Mysticism. We cannot perceive that Mechanism, as such, has yet been the occasion of any injury to man. Some liberties, it is true, have been taken with Nature by this same presumptuous intermeddler. Where she denied us rivers, Mechanism has supplied them. Where she left our planet uncomfortably rough, Mechanism has applied the roller. Where her mountains have been found in the way, Mechanism has boldly levelled or cut through them. Even the ocean, by which she thought to have parted her quarrelsome children, Mechanism has encouraged them to step across. As if her earth were not good enough for wheels, Mechanism travels it upon iron pathways. Her ores, which she locked up in her secret vaults, Mechanism has dared to rifle and distribute. Still further encroachments are threatened. The terms uphill and downhill are to become obsolete. The horse is to be unharnessed, because he is too slow; and the ox is to be unyoked, because he is too weak. Machines are to perform all the drudgery of man, while he is to look on in self-complacent ease.

But where is the harm and danger of this? Why is every lover of the human race called on to plant himself in the path, and oppose these giant strides of Mechanism? Does this writer fear, that Nature will be dethroned, and Art set up in her place? Not exactly this. But he fears, if we rightly apprehend his meaning, that mind will become subjected to the laws of matter; that physical science will be built up on the ruins of our spiritual nature; that in our rage for machinery, we shall ourselves become machines. This we take to be the import of the following unusually plain passages; 'Not the external and physical alone is now managed by machinery, but the internal and spiritual also.'—'Philosophy, Science, Art, Literature, all depend upon Machinery.'—'Men are grown mechanical in head and in heart, as well as in hand.'—'Their whole efforts, attachments, opinions, turn on Mechanism, and are of a mechanical character.' These are pretty broad and sweeping assertions, and we might quote many equally positive, and

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of the same style and meaning. In fact, the whole article is a series of repetitions of this leading idea, under various shapes; and this idea we propose to examine and controvert.

And, on the face of the matter, is it likely that mechanical ingenuity is suicidal in its efforts? Is it probable that the achievements of mind are fettering and enthralling mind? Must the proud creator of Mechanism stoop to its laws? By covering our earth with unnumbered comforts, accommodations, and delights, are we, in the words of this writer, descending from our 'true dignity of soul and character?' Setting existing facts aside, and reasoning in the abstract, what is the fair conclusion? To our view, directly the contrary. We maintain, that the more work we can compel inert matter to do for us, the better will it be for our minds, because the more time shall we have to attend to them. So long as our souls are doomed to inhabit bodies, these bodies, however gross and unworthy they may be deemed, must be taken care of. Men have animal wants, which must and will be gratified at all events; and their demands upon time are imperious and peremptory. A certain portion of labor, then, must be performed, expressly for the support of our bodies. But at the same time, as we have a higher and nobler nature, which must also be cared for, the necessary labor spent upon our bodies should be as much abridged as possible, in order to give us leisure for the concerns of this better nature. The smaller the number of human beings, and the less the time it requires, to supply the physical wants of the whole, the larger will be the number, and the more the time left free for nobler things. Accordingly, in the absolute perfection of machinery, were that attainable, we might realize the absolute perfection of mind. In other words, if machines could be so improved and multiplied, that all our corporeal necessities could be entirely gratified, without the intervention of human labor, there would be nothing to hinder all mankind from becoming philosophers, poets, and votaries of art. The whole time and thought of the whole human race could be given to inward culture, to spiritual advancement. But let us not be understood as intimating a belief, that such a state of things will ever exist. This we do not believe, nor is it necessary to our argument. It is enough, if there be an approach thereto. And this we do believe is constantly making. Every sober view of the past confirms us in this belief.

In the first ages of the world, when Mechanism was not yet

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known, and human hands were the only instruments, the mind scarcely exhibited even the feeblest manifestations of its power. And the reason is obvious. As physical wants could only be supplied by the slow and tedious processes of hand-work, every one's attention was thereby completely absorbed. By degrees, however, the first rudiments of Mechanism made their appearance, and effected some simple abbreviations. A portion of leisure was the necessary result. One could now supply the wants of two, or each could supply his own in half the time previously required. And now it was, that mind began to develope its energies, and assert its empire over all other things. Leisure gave rise to thought, reflection, investigation; and these, in turn, produced new inventions and facilities. Mechanism grew by exercise. Machines became more numerous and more complete. The result was a still greater abridgment of labor. One could now do the work of ten, or each could do his own, in one tenth of the time before required. It is needless to follow the deduction farther. Every one knows that now, in many of the departments of labor, one can perform, by the help of machinery, the work of hundreds; or, supposing no division, each could perform his own in a hundredth part of the time before required. The consequence is, that there has never been a period, when so large a number of minds, in proportion to the whole, were left free to pursue the cultivation of the intellect. This is altogether the result of Mechanism, forcing inert matter to toil for man. And had it been reached gradually, commencing at the Creation, and continuing until now, the blessing would have been without alloy. But unhappily the progress has not been gradual. Of late, Mechanism has advanced *per saltum*, and the world has felt a temporary inconvenience from large numbers being thrown suddenly out of employment, while unprepared to embark in any thing else. But this evil must be from its nature temporary, while the advantage resulting from a release of so large a proportion of mankind from the thraldom of physical labor, will be as lasting as the mind. And hence it is, that we look with unmixed delight at the triumphant march of Mechanism. So far from enslaving, it has emancipated the mind, in the most glorious sense. From a ministering servant to matter, mind has become the powerful lord of matter. Having put myriads of wheels in motion by laws of its own discovering, it rests, like the Omnipotent Mind, of which it is the image, from its work of creation, and pronounces it good.

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When we attempt to convey an idea of the infinite attributes of the Supreme Being, we point to the stupendous machinery of the universe. From the ineffable harmony and regularity, which pervade the whole vast system, we deduce the infinite power and intelligence of the Creating Mind. Now we can perceive no reason, why a similar course should not be pursued, if we would form correct conceptions of the dignity and glory of man. Look at the changes he has effected on the earth; so great, that could the first men revisit their mortal abodes, they could scarcely recognize the planet they once inhabited. Fitted up as it now is, with all the splendid furniture of civilization, it no more resembles the bleak, naked, incommodious earth, upon which our race commenced their improvements, than the magnificent palace resembles the low, mud-walled cottage. From the effect, turn your attention to the cause. Examine the endless varieties of machinery which man has created. Mark how all the complicated movements co-operate, in beautiful concert, to produce the desired result. Before we conclude that man's dignity is depreciated in the contrivance and use of this machinery, let us remember, that a precisely analogous course of reasoning must conduct us to the conclusion, that the act of Creation subtracted from the glory of the Creator; that the Infinite Mind, as it brooded from eternity over chaos, was more transcendently glorious, than when it returned from its six days' work, to contemplate a majestic world. We accordingly believe there is nothing irreverent in the assertion, that the finite mind in no respect approximates so nearly to a resemblance of the Infinite Mind, as in the subjugation of matter, through the aid of Mechanism, to fixed and beneficial laws,—to laws ordained by God, but discovered and applied by man.

If the views now presented be correct, it follows that the mechanical enterprise, with which our age is so alive, far from being unfavorable to our spiritual growth, is the one thing needful to furnish the freedom and leisure necessary for intellectual exercises,—to establish mankind in the *otium cum dignitate*, in a higher sense than even Cicero conceived it. But we may be referred, by way of refutation, to some of the renowned nations of antiquity, for which Mechanism effected little or nothing, but which, nevertheless, 'in true dignity of soul and character,' would be pronounced by the writer, whose views we are examining, superior to any of the present day.

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Greece may be selected as the most prominent illustration. To Greece, then, let us look. But let it be borne in mind, that we are speaking of society in the mass, and that our doctrine is, that men must be released from the bondage of perpetual bodily toil, before they can make great spiritual attainments. And now the question is, how came Greece to achieve her high intellectual supremacy, when all her work was performed by hand? The answer, so far as it respects this discussion, is ready. The Greeks themselves did not toil. Every reader of their history knows, that labor, physical labor, was stigmatized as a disgrace. Their wants were supplied by levying tribute upon all other nations, and keeping slaves to perform their drudgery at home. Hence their leisure. Force did for them, what machinery does for us. But what was the condition of the surrounding world? It is explained in a word. All other men had to labor for them; and as these derived no helps from Mechanism, manual labor consumed their whole lives. And hence their spiritual acquisitions have left no trace in history.

Now if we are willing to recur to that barbarous principle, that one nation may purchase itself leisure, as the Greeks did, by aggressions upon the rest, and if all other nations can be persuaded to submit to the experiment, we may no doubt behold a people, spurning all mechanical improvements, and yet attaining to a surprising 'dignity of soul and character.' But so long as it continues to be settled by compact among the nations, that each shall produce the means of subsistence within itself, or else an equivalent to exchange with others; and so long as the balance of power continues to be so adjusted, as to prevent any one from living upon the rest through the force of superior numbers; we see not how we can avoid the conclusion, that that nation will make the greatest intellectual progress, in which the greatest number of labor-saving machines has been devised. It may not produce a Newton, Milton, or Shakspeare, but it will have a mass of thought, reflection, study, and contemplation perpetually at work all over its surface, and producing all the fruits of mental activity.

But this writer has not confined his warfare to the world as a whole. He has divided mankind into classes, and attacked them in detail. We shall try to follow him through his campaign. One remark, however, upon the name which he has given to the age. 'It is not an Heroical, Devotional, Philo-

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sophical, or Moral Age, but, above all others, the Mechanical Age. It is the Age of Machinery, in every outward and *inward* sense of that word.' It may puzzle our readers as much as it does ourselves, to understand what is meant by the 'inward sense of machinery.' We are still more perplexed to understand how the following charge, which seems intended as unusually severe, can be construed by thinking men into any thing else than substantial eulogy. 'With its whole, undivided might, it [this age] forwards, teaches, and practises, *the great art of adapting means to ends.* Nothing is now done directly, or by hand; all is by rule, and calculated contrivance. For the simplest operation, some helps and accompaniments, some cunning, abbreviating process is in readiness.' Now take away the lurking sneer with which this is said, and we see not how it would be possible to crowd more praise into a smaller compass. It is no small part of wisdom, to possess 'the capacity of adapting means to ends.' What would the writer have us do? Pursue ends without regard to means?

But to the specific charges. And first, the world is full of literary, scientific, and religious associations. It is one of the mechanical features of the age, that large numbers of men are in the habit of combining together to effect those objects, which no individual could accomplish alone. Now we have been accustomed to consider this prevailing tendency, as one of the greatest modern improvements. In no propensity do we discover *a more prudent adaptation of means to ends.* We employ the mechanic lever to lift weights, which our unassisted strength could not lift. Why not employ the *social lever* in the same way? We are aware that some great and good men have expressed apprehensions, that the individual is in danger of being lost in the mass. But, for aught we can perceive, the individual is as free as ever, and his influence is even greater. Let him unite with those whose opinions agree with his, and he adds another unit to the sum. Let him stand out alone, and he must be transcendently gifted, if he do not lose his unit of influence. And as to his freedom, there is no reason why he should part with that, when he joins himself to a society. He may act with it so long as he approves its course. When he disapproves it he may attempt a change; and if he cannot prevail, he may separate, and, at worst, he will stand in the position in which he was placed before he joined the society.

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The writer next indulges in pleasantry at the expense of Physical Science and its votaries. 'No Newton, by silent meditation, now discovers the system of the world from the falling of an apple; but some quite other than Newton stands in his Museum, his Scientific Institution, and, behind whole batteries of retorts, digesters, and galvanic piles, imperatively "interrogates nature;" who, however, shows no haste to answer.' If this mean any thing, it is to cast ridicule upon the universal practice of demonstrating and illustrating scientific truths by actual experiments. And in what school has the writer been brought up, if he really need to be reminded, that nature *does* answer, and hastily too, when thus interrogated? Again and again did she make haste to answer to Franklin, Priestley, Black, Lavoisier, Davy, and a host of other *imperative interrogators*. Where was this writer, when she was questioned as to the cause of lightning, the composition of water, the nature of heat, the mode of guarding against the fire-damp of the mine, and a hundred other equally momentous secrets?

The Mathematics are next subjected to our author's criticism. 'Its calculus, differential and integral, is little else than a more cunningly constructed arithmetical mill, where the factors being put in, are, as it were, ground into the true product under cover, and without other effort on our part, than steady turning of the hand. We have more mathematics, certainly, than ever; but less *mathesis*. Archimedes and Plato could not have read the *Mécanique Céleste;* but neither would the whole French Institute see aught in that saying, "God geometrizes!" but a sentimental rodomontade.' Now we are much in the same predicament with regard to this passage, as the French Institute with regard to that saying. We can see naught in it but 'rodomontade.' We learn from it, that Newton, Leibnitz, and Laplace, were nothing more than mill-wrights, and that their work was very easy. Indeed, the author had just before asserted, that to excel in the higher departments of mathematics, required no great natural gifts. Did we entertain our author's opinion of the facility with which a man, by setting himself patiently to work, could produce a treatise like the *Principia* and the *Mécanique Céleste*, we would certainly give up writing for the reviews; and we almost wonder that our author adheres to it, instead of placing his name by the side of those of Newton and Laplace.

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As to the remark about *mathesis*, it is true that Plato had the honor of *saying* 'God geometrizes!' but to *prove* it, was reserved for the mechanicians above mentioned.

The next thrust is made at Metaphysics. And here we are informed that nobody has gone to work right. The whole world are now, and always have been, totally in the wrong. Even Locke, the great master, was at fault in the outset. But to avoid mis-statement, let the reviewer speak for himself. 'The whole doctrine of Locke is mechanical, in its aim and origin, in its method and results. It is a *mere* discussion concerning the origin of our consciousness, or ideas, or whatever else they may be called; a genetic history of what we see *in* the mind. But the *grand secrets* of Necessity and Free-will, of the mind's vital or non-vital dependence on matter, of our *mysterious relations* to Time and Space, to God, to the Universe, are not in the faintest degree touched on.' So because Locke confined his inquiries to what can be known, instead of meddling with 'grand secrets,' and 'mysterious relations,' he is a mere mechanic. Commend us to such mechanics. Give us Locke's Mechanism, and we will envy no man's Mysticism. Give us to know the 'origin of our ideas,' to comprehend the phenomena 'which we see in the mind,' and we will leave the question of the mind's essence to transcendental speculators. So of Necessity and Free-will; mechanical as the age is, we have heard of no machinery which can be brought to bear upon their explanation. And as to 'the mind's vital or non-vital dependence upon matter,' we are compelled to plead ignorance of what it means. We are bound, however, to suppose it has a deep meaning, since Locke did not get at the bottom of it. And should the writer give some of his leisure moments to the investigation, we hope the world may have the benefit of his researches. He may next find it profitable to undertake with Entities, Quiddities, Essences, and Sensible Forms, those stubborn secrets which did so puzzle some of the schoolmen. After brushing away these mists, there will still remain a rich field for discovery, in 'our mysterious relations to Time and Space.' And these relations being fully ascertained, the way will be cleared for a discussion of the celebrated question,—Whether spirits can pass from one point of space to another, without passing through the intervening space.

From Metaphysics, the reviewer passes to Politics. 'But

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the trail of the serpent is over them all.' Mechanism has twisted his coils fast even about the slippery politician. 'No where,' complains the writer, 'is the deep, almost exclusive faith we have in Mechanism more visible, than in the politics of the time.' If this had been written within the last month or two, we should request to be informed, by what rare combination of mechanical powers the recent political changes have been effected in Europe. Truly, there is something in these vast movements, which rather looks as if mind were the mover. Mr. Canning predicted that the next war in Europe would be a war of opinions. That war is not yet commenced. But, to use the language of our author, the *revolutionary machine* is working with a tremendous *momentum*, such as the world never before witnessed. But that we may not mistake the writer on this subject, we quote his words. 'It is no longer the moral, religious, spiritual condition of the people that is our concern, but their physical, practical, economical condition, as regulated by public laws. Thus is the *body politic*, more than ever, worshipped and tended; but the *soul politic*, less than ever.' We are almost tempted to believe that this was intended particularly for the United States, where 'public laws' have left the 'religious and spiritual concerns' of men, exclusively to themselves and their God. But then the writer must, on his own principles, allow us due credit for managing to get along without that expensive and complicated piece of machinery, a *Church Establishment*. Time was, it must be confessed, when the 'soul politic' was more cared for by government, than it is any where at present. But this sort of care has always been found to require a great deal of machinery, and among the rest, the rack, the fagot, and the axe. The writer, therefore, in his anxiety for the *soul politic*, seems to be placed in a dilemma. He has such an antipathy to machinery in general,—and to that above mentioned, we will do him the justice to suppose, in particular,—that he would probably reject the only means, by which governments have hitherto been able to 'tend' the souls of their subjects.

Having proceeded thus far in his assault upon notions, which must be allowed to possess a very general currency, the writer proposes a new illustration, or, perhaps we should say, theory of our nature, which he supports with great vivacity and learning; and which, that we may do him no injustice, we state in his own words. 'To speak a little pedantically,

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there is a science of Dynamics in man's fortunes and nature, as well as of Mechanics.' This would hardly carry perfect conviction to the mind, without the following lucid explanation. 'There is a science which treats of, and *practically* (?) addresses the primary, unmodified forces and energies of man, the *mysterious* springs of Love, and Fear, and Wonder, of Enthusiasm, Poetry, Religion, all of which have a truly *vital and infinite character*, as well as a science which practically addresses the finite, modified developements of these, when they take the shape of immediate "motives," as hope of reward or fear of punishment.' Having thus stated his theory, our author illustrates it by several examples, of which we shall notice one or two. Among others, the French Revolution,—not the recent glorious one,—is drawn in. 'The French Revolution had something higher in it than cheap bread and a *habeas corpus* act. Here too, was an Idea; a Dynamic, not a Mechanic force. It was a struggle, though a blind, and at last an insane one, for the infinite, divine nature of Right, of Freedom, of Country.' We do not exactly understand what is meant by 'a struggle for the infinite, divine nature of Country.' If by saying, that 'cheap bread and a *habeas corpus* act' were not the motives of the Revolution, the author mean that neither the wants of the populace, oppressed by misgovernment, nor the political theories of the Philosophers occasioned this explosion, we can only say that he denies it to have been produced by the action of those causes, to one or both of which it is universally ascribed.

Another example, scarcely less unfortunate, is the Christian Religion. We desire always to approach this subject with the most profound reverence. And when we are told by the reviewer, that 'the Christian Religion, under every theory of it, in the believing or the *unbelieving* mind, is the crowning glory, or rather the life and soul of our whole modern culture,'—we most cordially concur in what we can understand of the panegyric. Of religion in the believing mind, too much cannot be said. How religion in the *unbelieving* mind can be a crowning glory, we are at loss to conceive. But our chief concern is with the assertion, that the Christian Religion has been promulgated 'Dynamically, and not Mechanically.' This is in direct conflict with our historical information. It seems to us, that there has been, unfortunately, altogether too much machinery employed in the propagation of Christianity. In

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the beginning, we know that it was not so. Then the simple but powerful 'preaching of the word' was sufficient. But afterwards, external helps were employed in such a degree, as to suggest to the sceptical historian, Gibbon, the idea of accounting for the establishment of Christianity, exclusively by human means.

We can notice but a few more complaints of this dissatisfied writer, and those briefly. He is very much scandalized, that 'we should have our little theories on all human and divine things,' and particularly that 'even Poetry is no longer without a scientific exposition.' But wherefore should it be? Does the poet merely rave? Is his mind lawless in its wanderings? Or does it, according to Dr. Channing, obey higher laws than it transgresses? If so, we can perceive no harm or absurdity in a 'scientific exposition.' Such an one has been given by the eloquent author just mentioned, in his remarks on the poetry of Milton; and a passage of more transcendent beauty is not to be found in our mother tongue.

Another cause of complaint with our author is, that 'our first question with regard to any object is not, *What is it?* but *How is it?*' This is equivalent to saying, that it is the fashion of the present age not to analyze; and a suggestion wider of the fact could not easily be made. Every one knows that Chemistry, which more than any other science is the offspring and growth of this age, is one perpetual reiteration of the question, *What is it?* The author would find it difficult to name a substance to which Chemistry has not put this question, and received a satisfactory answer. But he would have us go still further, and waste our investigating energies upon fruitless inquiries into the essence of matter and mind. We know that there has been a strong propensity among men to press their discoveries to this verge; and that even Newton was so far beguiled by his 'wish to know,' as to speculate upon the nature of the cause of gravitation, after he had ascertained its laws. But we had supposed, that mankind were now generally agreed as to the inutility of thus invading the Deity's inscrutable mysteries. If the clear teachings of Lord Bacon on this subject were not sufficient, one would think that the practical *reductio ad absurdum* exhibited in the incompatible, yet equally plausible hypotheses of Berkeley and Hobbes, would be sufficient. One resolves every thing into matter, the other resolves every thing into mind; while the only satis-

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factory proposition, which both conclusively demonstrate is, that the resolution of such questions is beyond the capability of the human mind. Reason affords no clue to guide those who plunge into the labyrinths of mystic speculation.

On the whole, we have no wish to disguise the feeling of strong dissatisfaction, excited in us, by the article under consideration. We consider its tendency injurious, and its reasoning unsound. That it has some eloquent passages must be admitted, but when we hear distinguished philosophers spoken of as 'logic-mills,'—the religion of the age as 'a working for wages,'—our Bible societies as 'supported by fomenting of vanities, by puffing, intrigue, and chicane,'—and all descriptions of men 'from the cartwright up to the code-maker,' as mere 'mechanists;' when we further hear 'the grand secrets of necessity and free-will,'—'our mysterious relations to time and space,'—and 'the deep, infinite harmonies of nature and man's soul,'—brought repeatedly forward under the most varied forms of statement, as the legitimate objects of philosophical inquiry, and the most illustrious of the living and the dead, men whom we never think of but as benefactors of our race, made the objects of satire and ridicule, because they have preferred the *terra firma* of mechanical philosophy to the unstable quagmire of mystic conjecture;—we find it difficult not to regard the Essay rather as an effort of paradoxical ingenuity,—the sporting of an adventurous imagination with settled opinions,—than as a serious inquiry after truth.

Indeed the writer himself seems to think, towards the end, that he has gone too far; and deems it prudent, in contradiction, as it seems to us, to the assertion first quoted, as well as to the whole tenor of the article, to insert the following *saving clause*:—'It seems a well ascertained fact, that in all times, reckoning even from those of the Heraclides and Pelasgi, *the happiness and greatness of mankind at large, have been continually progressive.*' This is one of the few assertions in the article, in which we altogether agree with the author. We do entertain an unfaltering belief in the permanent and continued improvement of the human race, and we consider no small portion of it, whether in relation to the body or the mind, as the result of mechanical invention. It is true, that the progress has not always been regular and constant. In happy times it has been so rapid, as to fill the benevolent with inexpressible joy. But anon, clouds have gathered over the de-

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lightful prospect,—evil influences, but not mechanical, have operated,—evil times have succeeded,—and human nature has undergone a disastrous eclipse. But it has been only an eclipse, not an extinguishment of light. And frequent as these alternations have been, mankind are found to have been constant gainers. The flood has always been greater than the ebb. Each great billow of time has left men further onward than its predecessor. This could be proved, if necessary, by a thousand references. Darkness has indeed given a name to some ages, but light on the whole has immensely preponderated; and it is this conviction which nerves the heart and invigorates the arm of philanthropy. They who feel this divine impulse, know that the labors of kindred spirits in past ages have not been in vain. They see Atlantis, Utopia, and the Isles of the Blest, nearer than those who first descried them. These imaginary abodes of pure and happy beings, which have been conceived by the most ardent lovers of their kind, we delight to contemplate; for we regard them as types and shadows of a higher and better condition of human nature, towards which we are surely though slowly tending.

But let us not be misunderstood. The condition we speak of, is not one of perfection. This we neither believe in, nor hope for. Supposing it possible in the nature of things, it would be any thing but desirable. For with nothing left to achieve nor gain, existence would become empty and vapid. But if, with this explanation, our views should pass for visionary, we cannot help it. We cannot go back to the origin of mankind and trace them down to the present time, without believing it to be a part of the providence of God, that his creatures should be perpetually advancing. The first men must have been profoundly ignorant, except so far as the Supreme Being communicated with them directly. But with them commenced a series of inventions and discoveries, which have been going on, up to the present moment. Every day has beheld some addition to the general stock of information. When the exigency of the times has required a new truth to be revealed, it has been revealed. Men gifted beyond the ordinary lot, have been raised up for the purpose; witness Cadmus, Socrates, and the other sages of Greece, Cicero and the other sages of Rome, Columbus, Galileo, Bacon, Newton, and the other giant spirits of modern times. We cannot regard it as an abuse of language to call such men inspired, that is, pre-

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eminently endowed beyond all their contemporaries, and moved by the invisible agency of God, to enlighten the world on subjects, which had never till they spoke, occupied the minds of men. In other words, we believe that the appearance of such men, at the exact times when all things were ready for the disclosures they were to make, was not the result of accident, but the work of an overruling Providence. And if such has been the beneficent operation of Providence upon the minds of men in all past times,—if whenever a revelation was needed, He has communicated it, and in the exact measure in which it was needed,—how can we, without irreverence, adopt any other conclusion, than that He, who changeth not, will still continue, through all future time, to make known through gifted men, as fast as the world is prepared to receive them, new truths from His exhaustless store?

ART. VI.—*The Cherokee Case.*

1. *Opinion of the Supreme Court of the United States on an Application made by the Cherokee Indians for a Writ of Injunction against the State of Georgia, delivered by* Mr. Chief Justice MARSHALL, *at the January Term held at Washington*, 1831.
2. *Message from the President of the United States in compliance with a Resolution of the Senate, relative to the execution of the Act of March* 30, 1802, *to regulate Trade and Intercourse with the Indian Tribes, and to preserve Peace on the Frontiers, transmitted to the Senate on the 22d of February*, 1831.

The proceedings of the Supreme Court of the United States, upon the application made by the Cherokee Indians for a writ of injunction against the State of Georgia, excited a deep and general interest throughout the country. This was naturally to be expected from the novelty of the case, the dignity of the parties, and the high importance of the principles in question. The scene wore in some degree the imposing majesty of those ancient debates in which the great father of Roman eloquence sustained before the Senate the rights of allied and dependent, but still sovereign princes, who had found themselves compelled to seek for protection and redress

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from the justice of the mighty Republic. We may add, that the high and well-earned reputation of the Counsel retained by the Indians, added another point of resemblance to the parallel. In proportion to the interest felt in the subject, was the anxiety to learn the opinion of the Court, which was given by the Chief Justice, on the last day of the January term, and was shortly after published in the Cherokee Phœnix. We propose in the present article to submit to our readers a few observations upon this opinion; and shall afterwards examine very briefly the defence of the policy of the Executive Department of the Government in regard to the Indians, which is contained in the message transmitted by the President to the Senate on the 22d of February, in answer to a call for information on that subject. The opinion of the Court,—which, on account of its great importance, we copy entire,—is as follows.

'*The Cherokee Nation* vs. *The State of Georgia. January Term*, 1831.

'Opinion of the Supreme Court of the United States, delivered by Mr. Chief Justice Marshall, on a motion of the Cherokee nation for a writ of injunction and subpœna against the State of Georgia.

'This bill is brought by the Cherokee nation, praying an injunction to restrain the State of Georgia from the execution of certain laws of that State, which, as alleged, go directly to annihilate the Cherokees as a political society, and to seize, for the use of Georgia, the lands of the nation which have been assured to them by the United States in solemn treaties repeatedly made and still in force.

'If Courts were permitted to indulge their sympathies, a case better calculated to excite them can scarcely be imagined. A people once numerous, powerful, and truly independent; found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts, and our arms, have yielded their lands by successive treaties, each of which contains a solemn guaranty of the residue, until they retain no more of their former extensive territory than is necessary to their comfortable subsistence. To preserve this remnant, the present application is made.

'Before we can look into the merits of the case, a preliminary inquiry presents itself. Has this Court jurisdiction of the case?

'The third article of the Constitution describes the extent of the judicial power. The second section closes an enumeration

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of the cases to which it is extended, with "controversies" "between a State, or the citizens thereof, and foreign States, citizens or subjects." A subsequent clause of the same gives the Supreme Court original jurisdiction in all cases in which a State shall be a party. The party defendant may then unquestionably be such in this court. May the plaintiff sue in it? Is the Cherokee nation a foreign State, in the sense in which that term is used in the Constitution?

'The Counsel for the plaintiffs have maintained the affirmative of this proposition with great earnestness and ability. So much of the argument as was intended to prove the character of the Cherokees as a State, as a distinct political society, separated from others, capable of managing its own affairs, and governing itself, has, in the opinion of a majority of the judges, been completely successful. They have been uniformly treated as a State, from the settlement of our country. The numerous treaties made with them by the United States, recognise them as a people capable of maintaining the relations of peace and war, of being responsible in their political character for any violation of their engagements, or for any aggression committed on the citizens of the United States by any individual of their community. Laws have been enacted in the spirit of these treaties. The acts of our Government plainly recognise the Cherokee nation as a State, and the Courts are bound by those acts.

'A question of much more difficulty remains. Do the Cherokees constitute a foreign State in the sense of the Constitution?

'Their Counsel have shown conclusively that they are not a State of the Union, and insisted that individually they are aliens, not owing allegiance to the United States. An aggregate of aliens composing a State, must, they say, be a foreign State. Each individual being foreign, the whole must be foreign.

'This argument is imposing, but we must examine it more closely before we yield to it. The condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence. In the general, nations not owing a common allegiance, are foreign to each other. The term foreign nations is, with strict propriety, applicable by either to the other. But the relation of the Indians to the United States is marked by peculiar and cardinal distinctions, which exist no where else.

'The Indian territory is admitted to compose a part of the United States. In all our maps, geographical treatises, histories and laws, it is so considered. In all our intercourse with foreign nations, in our commercial regulations, in any attempt at intercourse between Indians and foreign nations, they are considered as within the jurisdictional limits of the United States, subject to many of those restraints which are imposed upon our own citi-

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zens. They acknowledge themselves in their treaties to be under the protection of the United States; they admit that the United States have the sole and exclusive right of regulating the trade with them, and of managing all their affairs, as they think proper, and the Cherokees in particular were allowed by the treaty of Hopewell, which preceded the Constitution, "to send a deputy of their choice, whenever they think fit, to Congress." Treaties were made with some tribes by the State of New York, under a then unsettled construction of the Confederation, by which they ceded all their lands to the State, taking back a limited grant to themselves, in which they admit their dependence.

'Though the Indians are acknowledged to have an unquestionable and heretofore unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to our Government, yet it may well be doubted, whether those tribes which reside within the acknowledged boundaries of the United States can with strict accuracy be denominated foreign nations. They may more correctly perhaps be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases. Meanwhile they are in a state of pupilage. Their relation to the United States resembles that of a ward to his guardian. They look to our Government for protection, rely upon its power, appeal to it for relief to their wants, and address the President as their Great Father. They and their country are considered by foreign nations as well as by ourselves, as being so completely under the sovereignty and dominion of the United States, that any attempt to acquire their lands, or to form a political connexion with them, would be considered by all as an invasion of our territory, and an act of hostility.

'These considerations go far to support the opinion, that the framers of our Constitution had not the Indian tribes in view, when they opened the courts of the Union to controversies between a State or the citizens thereof, and foreign States.

'In considering this subject, the habits and usages of the Indians, in their intercourse with their white neighbors, ought not to be entirely disregarded. At the time the Constitution was framed, the idea of appealing to an American Court of justice for an assertion of right or a redress of wrongs had perhaps never entered the mind of an Indian or of his tribe. Their appeal was to the tomahawk, or to the Government. This was well understood by the statesmen who framed the Constitution of the United States, and might furnish some reason for omitting to enumerate them among the parties who might sue in the Courts of the Union. Be this as it may, the peculiar relations between the

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United States and the Indians occupying our territory are such, that we should feel much difficulty in considering them as designated by the term foreign State, were there no other part of the Constitution which might shed light on the meaning of these words.

'But we think in construing them, considerable aid is furnished by that clause in the eighth section of the third article, which empowers Congress to "regulate commerce with foreign nations, among the several States, and with the Indian tribes."

'In this clause, they are as clearly contra-distinguished by a name appropriate to themselves, from foreign nations, as from the several States composing the Union. They are designated by a distinct appellation, and as this appellation can be applied to neither of the others, neither can the appellation distinguishing either of the others be in a construction applied to them. The objects to which the power of regulating commerce might be directed, are divided into three distinct classes,—foreign nations, the several States, and Indian tribes. When framing this article, the Convention considered them as entirely distinct. We cannot assume that the distinction was lost in framing a subsequent article, unless there be something in its language to authorize the assumption.

'The counsel for the plaintiffs contend, that the words "Indian tribes" were introduced into the article empowering Congress to regulate commerce, for the purpose of removing those doubts in which the management of Indian affairs was involved by the language of the ninth article of the Confederation. Intending to give the whole power of managing those affairs to the Government about to be instituted, the Convention confined it explicitly, and omitted those qualifications which embarrassed the exercise of it as granted in the Confederation. This may be admitted, without weakening the construction which has been intimated. Had the Indian tribes been foreign nations in the view of the Convention, this exclusive power of regulating intercourse with them might have been, and most probably would have been specifically given, in language contra-distinguishing them from foreign nations. Congress might have been empowered "to regulate commerce with foreign nations, including the Indian tribes, and among the several States." This language would have suggested itself to statesmen who considered the Indian tribes as foreign nations, and were yet desirous of mentioning them particularly.

'It has been also said, that the same words have not necessarily the same meaning attached to them when found in different parts of the same instrument. Their meaning is controlled by the context. This is undoubtedly true. In common language, the same word has various meanings, and the peculiar sense in

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which it is used in any sentence, is to be determined by the context. This may not be equally true with respect to proper names. Foreign nations is a general term, the application of which to Indian tribes, when used in the American Constitution, is at best extremely questionable. In one article, in which a power is given to be exercised in regard to foreign nations generally, and to the Indian tribes particularly, they are mentioned as separate, in terms clearly contra-distinguishing them from each other. We perceive plainly, that the Constitution in this article does not comprehend the Indian tribes in the general term,—foreign nations; not, we presume, because a tribe may not be a nation, but because it is not foreign to the United States. When afterwards the term foreign State is introduced, we cannot impute to the Convention the intention to desert its former meaning and to comprehend Indian tribes within it, unless the context forces that construction on us. We find nothing in the context, and nothing in the subject of the article, which leads to it.

'The Court has bestowed its best attention on this question, and after mature deliberation, the majority is of opinion, that an Indian tribe or nation within the United States is not a foreign State in the sense of the Constitution, and cannot maintain an action in the Courts of the United States.

'A serious additional objection exists to the jurisdiction of the Court. Is the matter of the bill the proper subject for judicial inquiry and decision? It seeks to restrain a State from a forcible exercise of legislative power over a neighboring people asserting their independence, their right to which the State denies. On several of the matters alluded to in the bill, for example, on the laws making it criminal to exercise the usual powers of self-government in their own country by the Cherokee nation, this Court cannot interpose, at least in the form in which those matters are presented. That part of the bill which respects the lands occupied by the Indians, and prays the aid of the Court to protect their possessions, may be more doubtful. The mere question of right might, perhaps, be decided by this Court in a proper case with proper parties. But the Court is asked to do more than decide on the title. The bill requires us to control the legislation of Georgia, and to restrain the execution of its physical force. The propriety of such an interposition by the Court may be well questioned. It savors too much of exercise of political power, to be within the province of the Judicial Department. But the opinion on the point respecting parties makes it unnecessary to decide this question.

'If it be true that the Cherokee nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to

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be apprehended, this is not the tribunal which can redress the past or prevent the future.

'The motion for an injunction is denied.'

Some political writers who sustain the pretensions of the State of Georgia, have affected to represent this opinion as a decision in her favor and that of the Executive upon the merits of the case. It must be obvious, however, to every reader, that this representation is wholly incorrect. The Court, on the contrary, intimate very strongly that their opinion on the merits of the case is in favor of the Indians. 'If Courts were permitted to indulge their sympathies, a case better calculated to excite them can scarcely be imagined. A people once numerous, powerful, and truly independent; found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts and our arms, have yielded their lands by successive treaties, *each of which contains a solemn guaranty of the remainder*, until they retain no more of their former extensive territory, than is necessary to their comfortable subsistence. *To preserve this remnant, the present application is made.*' Again. '*The Indians are acknowledged to have an unquestionable, and, heretofore, unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession to the Government.*' If we are not mistaken in the import of language, which appears to be sufficiently intelligible, these phrases convey a very strong intimation, that the opinion of the Court on the merits of the case is in favor of the Cherokees; and as the Chief Justice also intimates, that the Court would have it in their power to take cognizance of the case if brought in another form, we presume that the necessary measures will be forthwith adopted, for ascertaining this opinion in a still more direct and positive way.

But whatever may be the judgment of the Court upon the merits of the case when it shall be given, it is certain, as we have remarked, that the case was not decided on its merits at the late trial. It went off upon a point of mere form. The Cherokees came into Court describing themselves as a *foreign State*, and claiming to be heard as such. The Court decided that they were not a *foreign State* within the meaning of the term as used in the Constitution, and that they were, consequently, not entitled to a hearing as such. The Court intimated, that the bill filed by the Cherokees was in other

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respects defective in form, but the point just mentioned was the one upon which the decision was given.

Although it is certainly much to be regretted, that a case of this importance should have been decided upon any other principle than that of doing substantial justice between the parties, we were, nevertheless, by no means unprepared for this result, or very greatly disappointed when it happened. The forms of proceedings at law are so complicated and uncertain, that when a case is at all out of the common routine of practice, it is a matter of chance rather than skill, whether the shape in which it is first presented, be or be not unexceptionable. This particular case was one of very great difficulty; the Counsel had no precedents directly in point to guide them, and notwithstanding their acknowledged ability and diligence, it was perhaps hardly to be expected that they should completely succeed at the first trial. We had, in fact, anticipated some of the objections made by the Court to the form of the bill. We greatly doubted, in particular, whether the attempt to restrain a State by injunction, from enacting laws, for whatever purpose, would be within the competence of the Federal Courts. The Court, without directly deciding this point, distinctly intimate, that if they had had occasion to do so, they should have decided it in the negative. 'The bill,' says the Chief Justice, 'requires us to control the legislation of Georgia, and to restrain the *execution* (?) of its physical force. The propriety of such an interposition by the Court may well be questioned. *It savors too much of exercise of political power,* to be within the province of the Judicial department. But the opinion on the other point makes it unnecessary to decide this question.'

We were, therefore, prepared to hear, without much disappointment, that the case had gone off upon a point of mere form; but we confess that we were not prepared for the precise objection that was taken by the Court. With all our respect for the ability and learning of the members of this tribunal, and with every disposition to render the fullest justice to their integrity and independence, we are compelled to say, that this objection does not appear to us to be tenable. We are bound, perhaps, to suppose, that in differing from so high an authority, we must be mistaken. But as the case turns not on recondite points of law learning, but on the construction of a public document, which, as all admit, must be interpreted

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without regard to technical niceties by the rules of plain common sense, we shall venture to state very briefly the grounds of our opinion. We do this, not for the purpose of creating discontent at the judgment of the Court, in which all the parties interested, and the people at large, will acquiesce with cheerfulness, but of lending such feeble aid as may be in our power, in the illustration of a most curious and important question of constitutional and international law.

The ground on which the case was decided, as our readers will perceive on recurring to the opinion of the Court, is simply this. The Cherokees come into Court, describing themselves as a foreign State, and claiming to be heard as such. The Court decide, for reasons alleged in the opinion, and without prejudging in any way the merits of the case, that they are not a foreign State, within the meaning of that phrase as used in the Constitution, and cannot of course be heard in that quality. We proceed to examine the validity of these reasons.

We may remark, in the first place, that the Court admit very fully in the outset, that the Cherokees are a State;—that is, a distinct political society, recognised as such by the Government. The language of the opinion on this point is explicit.

'So much of the argument of the Counsel for the plaintiffs, as was intended to prove the character of the Cherokees as a State, as a distinct political society, separated from others, capable of managing its own affairs, and governing itself, has, in the opinion of a majority of the Judges, been completely successful. They have been uniformly treated as a State, from the settlement of the country. The numerous treaties made with them, by the United States, recognise them as a people capable of maintaining the relations of peace and war, of being responsible in their political character for any violation of their engagements, or for any aggression committed on the citizens of the United States, by any individual of their community. Laws have been enacted in the spirit of these treaties. *The acts of our Government plainly recognise the Cherokees as a State, and the Courts are bound by these acts.*'

The Cherokees are thus distinctly admitted to be a State; that is, a distinct political society. In making this admission, the Court appear to us to have given up in advance the only ground upon which it could be maintained, that they are not

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a *foreign* State. The circumstances which are afterwards mentioned as tending to show that they are not foreigners, and particularly, the relation of pupilage, in which they are supposed to stand to the United States, would seem to prove,—if they prove any thing to the present purpose,—that they are not a distinct political society. This point, though it could not be made out, might, we think, be argued with some plausibility; but this point is, as we have seen, conceded in advance by the Court. The Cherokees are admitted, in the most explicit terms, to be a State.

How then, can it be denied that they are a foreign State? The epithet *foreign* means nothing more in reference to States, than *other*, in reference to individuals. A State which is not the United States, or any one of them, is necessarily and *ex vi termini* a foreign State, just as an individual, who is not myself, is necessarily another person. There is no possible middle term between these two categories. The Court, in substance, admit this. 'In the general,' says the Chief Justice, 'nations, not owing a common allegiance, are foreign to each other. The term foreign is with strict propriety applicable by either to the other.' The Court do not appear to have felt, that the term *foreign* is not only applicable with strict propriety by either of two nations, not owing a common allegiance, to the other, but that this is the only idea implied in the term; and that for either of two nations so situated, to refuse that title to the other, would involve the same absurdity, as for the individual A, to deny that his neighbors B, C, and D, were other persons. But the remark of the Court, though it does not indicate the full strength of the case, is quite sufficient for our purpose.

It is admitted then, by the Court, that the Cherokees are a State; and that 'in the general,' that is, according to the ordinary use of language, they are a foreign State. But it is an acknowledged principle, that the Constitution is to be construed according to the ordinary use of language. Such being the case, the necessary conclusion seems to be, that the Cherokees are a foreign State, within the meaning of the Constitution.

This is denied by the Court on two grounds. First, because 'the relation of the Indians to the United States is marked by peculiar and cardinal distinctions, which exist no where else, and which render it doubtful, whether they can, with strict accuracy, be denominated foreign nations;' and secondly,

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because in the clause of the Constitution, which authorizes Congress to regulate commerce, a distinction is expressly taken between foreign nations and Indian tribes. 'Congress shall have power to regulate commerce with foreign nations, among the States, and with the Indian tribes.'

As respects the 'peculiar and cardinal distinctions,' belonging to the relation between the Indians and the United States, we repeat what we have intimated above, that the circumstances here alluded to prove,—if they affect the argument at all,—not that the Indians are not foreigners, but that they are not a State. That their territory is surrounded on all sides by ours; that we claim a right in fee in their lands, and only acknowledge in them a right of occupancy; that we should regard it as an act of hostility in any other nation to acquire their lands, or attempt to form a political connexion with them; that they look to our Government for protection, and address the President as their Great Father; that their relation to the United States resembles that of a ward to his guardian;—these are all circumstances, which, so far as they bear upon the question, tend to show, that these people are not sovereign; that they are not a *State*. Such, accordingly, is the view taken of the matter, in the late opinion of the Convention of the Georgia Judges in the case of Tassel. It is there argued, that for reasons substantially the same with those here stated by the Court, the Cherokees are not a *sovereign State*. It does not seem to have occurred to the Georgia Judges, who were yet not remiss in seeking for arguments in defence of the pretensions of the State, that if the Cherokees were a State, it would be possible to deny them the character of a foreign State. The ground taken by the Georgia Judges, although we deem it untenable, seems to us more plausible than the one taken by the Supreme Court. But it is unnecessary for our present purpose to inquire, how far the peculiar relations existing between the United States and the Indians diminish the right of the latter to be styled and treated as a sovereign State, because this right is distinctly admitted by the Court. This being the case, their right to the qualification of *foreign*, with all its incidents, follows of course.

The peculiar character of the relations between the Indians and the United States, although it might with some plausibility be supposed to impair their claim to be considered a sovereign State, has therefore no tendency to show, that being by

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acknowledgment a sovereign State, they are not *foreign*. They are clearly then within the letter of the Constitution. Are they also within its spirit and meaning, or is there something in the nature of their relations, as described by the Court, which tends to show, that, although the Indians come within the general description of foreigners, it was not intended by the framers of the Constitution, that they should enjoy the advantages secured to foreigners by the clause under consideration? On our view of the subject, the case is directly the reverse. The relation between the Indians and the United States, created by the circumstances mentioned in the opinion of the Court, is much more close than that which exists between the United States and any other foreign nation. A State, of which the territory is wholly surrounded by ours,—*enclavé*, in the French phrase, within our dominions,—which is connected by various political and personal relations of the most intimate character with the General and State Governments, and with the individual citizens, is of course much more likely to have occasion to take advantage of the faculty of suing in our courts, than those which are situated at a distance, and maintain with us much less intimate relations. Is it probable, then, that the framers of the Constitution, when they inserted a clause which gives to foreign States the right of suing in the Federal Court, intended to exclude those foreign States which would probably have the most frequent occasion to use it, and include those only which would have the least? We think not.

Again; if foreign States were not allowed to sue in the Federal Courts, they would be obliged to sue in those of the States; and the reason why the Constitution secures to them the privilege of suing in the Federal Courts is, that the Federal Government is the only representative of the nation for all its foreign relations. The administration of justice in the State Courts might not be uniform throughout the country, and it was proper that foreigners, in dealing with different individuals belonging to the same nation, should have the benefit of a uniform legislation. But this reason operates with as much force in regard to the Indians as to any other foreigners; and the fact, that the relations with them were committed exclusively to the management of the General Government, is a sufficient proof that such was the opinion of the framers of the Constitution. Indeed, the reason of the case in this view of it, as in the other, is not only equally strong, but much stronger

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in regard to the Indians, than to any other foreigners. It might certainly have been expected, as has in fact happened, that the Indians might have other reasons for preferring to sue in the Federal, rather than the State Courts, beside the danger of a want of uniformity in the judgments of the latter; and it would have been particularly unjust and unreasonable not to extend to the class of foreigners to whom it was on every account more especially necessary, the appropriate remedy for the defects of these tribunals.

The Court finally remark, that 'At the time when the Constitution was framed, the idea of appealing to an American court of justice for an assertion of right or a redress of wrong, had perhaps never entered the mind of an Indian or of his tribe. Their appeal was to the tomahawk or to the Government. This was well understood by the statesmen who framed the Constitution of the United States, and might furnish some reason for omitting to enumerate them among the parties who might sue in the courts of the United States.' But although the state of civilization among the Indians at the time when the Constitution was framed, might have furnished a plausible reason for the omission of them in this enumeration, had they in fact been omitted, we cannot think that it furnishes any reason whatever for refusing to allow them the benefit of a clause, which is admitted to include them according to the ordinary and usual acceptation of the terms. It was certainly not the intention of the framers of the Constitution to give the right of suing in the Federal Courts to such foreign nations only as happened at that time to be in existence, or in a condition to use it; but to establish a rule, that should operate in favor of all foreign nations forever after. At the time when the Constitution was framed, the Spanish Colonies on our continent were not in a condition to take the benefit of this clause. It did not at that time enter into the minds of any of them, to think of claiming it; but it is not the less certain, that they now enjoy it as fully as if they were specified by name in the Constitution.

We cannot, therefore, concur with the Court in the general reasoning by which they attempt to show that the Indians are not to be considered as foreign States, for the purpose of suing in the Federal Courts. The argument drawn from the clause of the Constitution which authorizes Congress to regulate commerce, is more plausible, but to our minds not more decisive.

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A distinction is there taken between foreign nations and the Indian tribes; and if there were no particular reason for making such a distinction in this clause, it would be natural to conclude that the phrase, foreign nations, is used throughout the Constitution in such a sense as to exclude the Indians. But the fact is, as the Court themselves admit, that there was a particular reason for making a distinction in this clause between foreign nations and the Indians, which does not hold in regard to other parts of the Constitution. The ninth article of the old Confederation had left it in some degree uncertain, whether the management of the relations with the Indians belonged to the General Government, or to the States; and in order to avoid any future misconstruction, it was important that they should be mentioned by name in the article conferring the authority for this purpose. On reference to the Journals of the Convention, we find that the clause, as originally reported, stood as follows: 'Congress shall have power to regulate commerce with foreign nations and among the several States.' The words, *and with the Indian tribes*, were afterwards added by way of additional security, in an amendment, and the form in which they were introduced shows at once why they were placed at the end rather than the middle of the clause. But the tenor of this clause and of the Constitution in all its parts, entirely precludes the idea, that the Indians were considered in any other light than as foreigners. Had they been regarded as in any sense subject to or dependent upon the United States, the power of governing them to the same extent must have been conferred on the General Government by a special clause. But the Constitution gives to the General Government no authority in regard to them, excepting such as it gives in regard to all foreigners. Under the authority to treat with foreign nations, the President has always treated with the Indians; under the clause which prohibits the States from treating with foreigners, the States have always abstained from treating with the Indians. And the power of regulating commerce with them,—the only one specifically conferred by the Constitution,—is also given in regard to all other foreigners. This consideration alone, if there were no other, affords sufficient evidence to satisfy our minds, that the Indians are throughout the Constitution recognised and treated as foreign States.

We will not, however, enlarge any farther on this point. Convinced as we are, that the opinion of the Court upon it is

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erroneous, and regretting as we do, that the error into which we suppose them to have fallen, should have operated as a delay, and, to a certain extent, denial of justice in a most important and interesting case, we are yet disposed, as we have already remarked, to acquit the Court entirely of all neglect, sinister intention, or undue bias, and to acquiesce with perfect cheerfulness in their decision. The case will no doubt be presented to them again in a form in which they will be able to take cognizance of it, and in which it may be tried upon its merits. Under such circumstances, we cannot permit ourselves to entertain a doubt of the issue.

The merits of this case have been fully discussed on both sides of the question in previous numbers of this journal, and as they are not touched upon in the opinion of the Court, we shall not, on this occasion, enter upon them in detail. We cannot, however, refrain from a very few cursory observations upon the statement made of them in a Message from the President to the Senate of the United States, of which we have placed the title at the head of this article.

This Message was transmitted by the President on the 22d of February, in reply to a call from the Senate, made on motion of Mr. Frelinghuysen, for information, whether the act of 1802 for regulating trade and intercourse with the Indian tribes, and preserving peace on the frontiers, had been carried into effect by the Government, and if not, for what reason the Government had declined to enforce it. The President states, in reply, that he is not aware of any omission to carry into effect the provisions of the act, so far as their execution depended on the agency confided to the Executive, and then enters upon a defence of his general policy in regard to the Indians. We cannot but consider this argument as one of the least successful attempts to make the worse appear the better reason, that we have ever met with. We can imagine, though with difficulty, that there may be among intelligent and well meaning men two opinions upon this subject; but we can hardly conceive it possible, that any intelligent man can be satisfied by the reasoning of this Message.

Our readers are aware, that the treaties between the United States and Cherokee Indians (whose case led to the inquiry of the Senate) recognise these Indians as a nation, guaranty to them the exclusive possession of, and jurisdiction over the territory marked out in the treaties, declare that they are

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not under the jurisdiction of any State, stipulate that citizens of the United States shall not settle on their territory or enter it without a passport, and finally state, as one of the objects of these arrangements, the establishment by the Cherokees of fixed laws and a regular government, and the preservation of their national existence. These treaties are sixteen in number, beginning with that of Hopewell, concluded under the old Confederation in 1785, and ending with that of Washington, concluded in 1819. The act of 1802 was passed for the purpose of carrying into effect the provisions of these and the other Indian treaties. It states, among other things, that 'it shall be lawful for the President to take such measures and to employ such military force as he may judge necessary to remove from lands belonging to, or secured by treaty to any Indian tribe, any citizen who shall make a settlement thereon.' Instead of carrying into effect the provisions of the existing laws and treaties,—instead of employing the military force to remove the citizens who had intruded upon the territory of the Cherokees under a pretended authority from the State of Georgia, the President, as is well known, and as he admits himself in this Message, actually removed the troops that had previously been stationed in the Indian territory, and has used, and is still using all the means in his power to remove the Indians themselves. The reasons given in the present Message for this extraordinary course, are as follows.

1. The clause in the Constitution, respecting the employment of the military force, is not imperative.

2. The act provides, that 'nothing therein contained shall be so construed as to prevent any trade or intercourse with the Indians living on lands surrounded by settlements of citizens of the United States, and being within the ordinary jurisdiction of any of the individual States.' This provision the President interprets as 'prospective in its operation, and as applicable, not only to Indian tribes, which at the time of the passage of the act were subject to the jurisdiction of a State, but to such also as should thereafter become so. As soon, therefore, as Georgia had extended her jurisdiction over the Indians within her limits, orders were given to withdraw from the States the troops which had been detailed to prevent intrusion upon the Indian lands within it, and these orders have been executed.'

As to the first of these reasons, which is not much insisted

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on, we shall merely remark, that the President is bound, by the Constitution and his oath of office, to take care that the laws are faithfully executed. The act of 1802 gives him the authority,—which he would, doubtless, have possessed without,—to employ the military force for this purpose in the case in question; and having this authority, he is bound by the Constitution and his oath of office to exercise it, if necessary. For a neglect of this, as of any other duty, he is liable to impeachment.

The second, which is the principal reason, supposes, of course, that the extension by Georgia of her jurisdiction over the territory and persons of the Cherokee Indians was a rightful act, and if this were the case, the reason would undoubtedly be valid. The President accordingly proceeds, in the rest of the Message, to a formal justification of the act of Georgia, and rests his defence upon his success in this attempt. But this act, as we have already remarked, is in open contravention of all the treaties with the Cherokees. The President himself, in the course of his argument, admits that such is the fact, and endeavors to remove the objection by proving, that the treaties are not valid. Without examining the reasons adduced in support of this position, which it would be easy to refute in detail, it is sufficient for our present purpose to remark, that the President, in taking upon himself to consider and decide upon the validity of treaties, quits his appropriate functions as an Executive officer, and assumes those which belong to another department of the Government. The Constitution declares, that all treaties are the supreme law of the land, any thing in the Constitution and laws of any State to the contrary notwithstanding. As a member of the Legislative department of the Government, having a negative upon the proceedings of the other branches, it is the duty of the President to form and express an opinion upon all bills, that are submitted to him during his administration. As the head of the Executive department, his functions are purely ministerial, and he has no more right to question the validity of the laws or treaties which he executes, than the marshal who acts under him. As an individual, he was, of course, at liberty to speculate at discretion upon this or any other subject. As President of the United States, he was bound by the Constitution and his oath of office to see that the treaties were faithfully executed. In neglecting to do this, from the avowed motive

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that these treaties were in his opinion unconstitutional, and thus claiming a right which could only be exercised, if at all, by the Supreme Court, he has exhibited, perhaps, the first unequivocal example of an illegal assumption of power by a President to be found in our history. It is singular and surprising, that the same persons, who habitually express the strongest alarm and jealousy respecting a tendency to encroachment by any of the departments of the Federal Government, should on this occasion have abetted General Jackson in his unwarrantable pretension.

We shall not, however, at present, pursue this subject any further. We conclude with repeating the hope which we have already expressed, that the case will be presented anew to the Supreme Court in such a form, that it may be decided on its merits. Such a decision, if given at the suit of an individual, would still leave the Cherokee community unprotected in the rights which they possess as such, and would not wipe off from the national escutcheon the foul stain that now rests upon it of a breach of the public faith. It would, probably, however, involve an opinion on the constitutionality of the laws of Georgia, which would shake the basis of the President's objections to the treaties, and might induce him to reconsider his determination not to enforce them. Should he finally persist in his present course, we trust that there is enough of intelligence and virtue remaining in Congress, or in the body of the people, to show him that his duties and their plighted faith are not to be trifled with forever with impunity. We say not this from any feeling of party animosity. We respect the President as the person invested by the confidence of the nation with the Chief Magistracy of this great republic, and should rejoice to be able to give to his measures the tribute of our approbation. But when, as in this case, the honor and interest of the country are at stake, the truth must be told. We are bound to these children of the forest by solemn obligations. A violation of them would disgrace us forever. To use the energetic language of the President himself on another occasion, *they must be fulfilled.*

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ART. VII.—*The Prospect of Reform in Europe.*
L'Avenir. Par M. J. L. de SISMONDI. *Extrait de la Revue Encyclopedique.* Paris. 1830.

It has become a trite remark, that we live in an age of most extraordinary events. It is true, that men are prone to magnify the importance of the events, with which they are themselves connected, either as witnesses or actors. But after all due allowance is made for this exaggeration, we cannot but feel that the history of the civilized world, since the year 1775, has been marked with the most wonderful incidents. How important these incidents are, in all their consequences, we cannot yet say. We behold already the developement of momentous events, drawn along by obvious connexion in the train of the great revolution, of which the first scenes were performed on this side of the Atlantic; but of which the subsequent acts, with fearful disregard of the unities of time and of place, have been brought out on other continents, in disconnected societies of men, and after the original actors had passed from the stage. Much more, of which we can have no conception, will no doubt follow, in its appointed time and place.

It is not strange that human sagacity is so often at fault in foreseeing the great revolutions in the fate of nations, for the life of man is too short to measure them. We can fully comprehend but a small part even of contemporary movements. Of what is passing before our eyes, many of the secret springs are hidden from our observation; and of other parts what we perhaps understand may be wholly misapprehended by spectators at a distance. But of the entire combination, of which we ourselves and the generation to which we belong form a part, —whether mean or significant,—the original causes run back to a period antecedent to our observation, and the remote effects are to be developed long after our race is run. Successive generations of men, as well as the individuals that compose them, are social,—are parts of a whole; to speak in the language of science, they are complements to each other. Rousseau maintained, that the family was the only society directly constituted by nature. This is true only in a very limited sense. Looking to the whole nature of man, moral and intellectual, as well as physical, his social character, instead

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of being confined to the limits of the family, extends not merely to the community, of which he is a member, and to the general class of nations, to which that community belongs, but to the past and future generations, whose public fortunes are connected with the present by the chain of cause and effect.

This is not mere speculation. Every volume of civil history makes us acquainted with well-defined national eras, marked by events succeeding each other in the obvious train of cause and effect, and extending through the line of many generations. It requires no straining of ingenuity to take up the English history with James I. of England, and show that in his reign, a movement commenced,—distinctly marked in its character, and easily discriminated from the earlier incidents in the history of the British Constitution,—which has not yet wholly run out, though seemingly near its term. The French Revolution was thought to have reached its close, when Louis XVIII. was restored, and Napoleon was banished to Elba. We now perceive, that all that has hitherto passed, great and momentous as it is, has been but preliminary to events of still more awakening importance, the intelligence of which is crowding upon us by every arrival from Europe. On the general character and probable issue of these and other occurrences, which have taken place in Europe during the past year, we propose in the present article to make some desultory remarks.

No one can be insensible to the uncertainty of all speculation on these events, which assumes to foretell their issue. It is like gazing on the western sky at sun-set. We are amazed at the stupendous masses towering up from the horizon, and blazing in the light of the departed sun. We turn away for a moment, to call the attention of a friend to the spectacle; and when we look again, the unutterable splendors have faded, the cloudy battlements have toppled down, and nothing is to be seen, but a sombre tract of deepening shadows. Europe, according to the last intelligence, seems on the eve of a general war; but the next vessel that arrives may inform us that some of the parties arming for the contest have been already trampled into the dust. We see France, Belgium, Holland, Italy, Austria, Poland, and Russia, already in arms or arming; Prussia bristling with bayonets on either frontier; several of the smaller German principalities in revolt; Spain and Portugal, in Heaven knows what state of disorganization, and England in the process of a fundamental change in her Constitution; to

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say nothing of Greece, Turkey, and Barbary, whose condition is such, as at any other time would have been thought to contain the elements of discord between all the great Powers.

At the very moment when we write the words, the insurrection may have been crushed in Poland, without having so much as retarded the wheels of the great military Juggernaut, on his march toward Belgium. The plains of Italy may already have been overrun by squadrons of horse from Hungary and Transylvania. Lord Grey's plan of reform may have been voted down, and the Duke of Wellington have returned to the head of the British Government; and if all this has happened, Charles X. may be on the road to Paris. But we hold it much more probable, that a movement has commenced, to be marked no doubt by great vicissitudes, to prosper and to be retarded; to be alternately the object of anxiety, admiration, fear, and hope; to be hailed with rapture, to be misrepresented, to be vilified; but destined to go on, and unfold a mighty train of the most momentous, and as we firmly trust, the most auspicious consequences.

In a word, it would seem that the war of opinion is at length begun, which in 1823 and 1826 was predicted by Mr. Canning, in language so emphatic; with a prophetic grasp of some of the characters of this war, and deep insensibility to others. On occasion of despatching an army to Portugal in 1826, that distinguished statesman, in one of the boldest speeches that ever dropped from the lips of man, thus expressed himself:

'It will be recollected, that when some years ago, I took the liberty of adverting to a topic of this nature, when it was referred to in this house, with respect to the position of this country at the present time, I then stated that our position was not merely one of neutrality between contending nations, but between contending principles and opinions; that it was a position of neutrality, which alone preserved the balance of power, the maintenance of which, I believed necessary to the safety and welfare of Europe. Nearly four years, or rather three years and a half of experience, have confirmed and not altered the opinions then declared; and I still fear that the next war in Europe, if it should spread beyond the narrow compass of Portugal and Spain, will be a war of the most tremendous nature, because it will be a war of conflicting opinions; and I know that if the interests and honor of this country should oblige us to enter into it, as I trust we shall always do with a firm desire to mitigate rather than exasperate, to contend

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with arms and not with opinions; yet I know that this country could not avoid seeing ranked under her banners all the restless, and all the dissatisfied, whether with cause or without cause, of every nation with which she might be placed at variance.'

This tremendous war, if not actually begun, would seem very near at hand. The governments and nations of Europe are yet pausing, for a moment aghast;—like the foremost in the immense droves of wild animals in our western prairies, on the brink of the precipice toward which they have been driven; but the momentum acquired is too great, the urgency from behind is too mighty to be restrained, and they must take the chances of the awful leap.

This war, then, like that of our revolution, is a war of opinion; not a war springing from alliances or rival pretensions of sovereigns, family compacts, or reasons of state as estimated by Governments. The people of Poland are of opinion, that their country was iniquitously partitioned sixty years ago, and is oppressively governed by a foreign power at the present day; and they are fighting for independence. The people of different parts of Italy are of opinion, that they are miserably misruled by their papal, ducal, and imperial governors, and they desire a union of their provinces into one independent national organization, Italian in character, spirit, and interests. The Belgians are of opinion, that they should be more prosperous and happier in a voluntary union with a people of kindred language, faith, and manners, than in a compulsory union with a people differing from them in all these respects. In most, perhaps all of the German States, the people are of opinion, that they are fit for popular institutions; and that the charters of free Government promised them in 1814 have been too long delayed. Russia and Austria are of the contrary opinion; and say nay on these great questions of European reform. Russia has already laid her hand upon Poland, and has perhaps crushed her to the dust. The armies of Austria have penetrated into the Ecclesiastical State, without meeting an effectual resistance; and it seems to be reserved for the plains of Belgium to be again the arena of a great contest between the powers of Europe. If Russia, and Austria, and Prussia undertake to constrain the people of Belgium to submit to a government not of their own choice, it is impossible that France, and eventually England, should remain passive

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spectators of a policy menacing their own safety and independence; and to this effect the Governments of those two States are pledged to each other and to Europe.

If the contest were to be altogether of this simple character, its issue might be predicted with greater confidence. If it were the Northeastern alliance in support of arbitrary power, against a Southwestern in defence of liberty, the result would be a simpler object of hope or fear, and a matter of easier calculation. But while the contest, in its very nature, threatens to draw in nearly all the States of Europe, there is danger that it will assume, in every State, the added horrors of a civil war. The elements of the contest are not concentrated on the two sides of a line; they are every where diffused. Each of the principles of this political Manicheism is possessed of a potent ubiquity; or if we cannot hope that the liberal principle has champions in the realms of absolutism, we must fear that the arbitrary principle has them openly combatting or secretly plotting in the camps and fortresses of liberty. There is, therefore, to be a struggle of portentous vehemence, and uncertain fortune, in almost every State of Europe, at least in every State, in whose political condition we feel a lively interest.

It would require a large volume, written from the most extensive collection of facts, many of which cannot be known on this side of the water, even to those who take great pains to inform themselves, to set forth the nature and prospects of this contest in each European State. Each has its peculiar grievances, its odious institutions, its oppressive laws, its suffering condition, its unpopular men, its united or divided champions, its able or feeble leaders. In one country the laws are iniquitous, but the administration humane; the powers of the Government despotic, its discretion boundless, but its temper paternal. In another, the class, which by means of education, intelligence, and a competent stake in the community, is well calculated to lead a popular movement, finds a foe in the abjectness of the mass, as dangerous and as powerful, as in the tyranny of the Government. This is the case in Spain and Portugal. No where is there a worse Government, no where are there better or firmer patriots; but the people love their chains. There is throughout Europe a general suffering, a general uneasiness, a general excitement; but the causes of dissatisfaction, the means of giving effect to popular opinion, and the hopes of relief, are as various as the circumstances in which the different political communities are placed.

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But, in saying this, we do not intend to say that there is not one great principle in the contest. Though it is a war of interests,—a war in each community of local grievance and disaffection,—it is also the great war of opinion, which was rightly characterized by Mr. Canning as the struggle between the aristocratic and the democratic principle. This circumstance presents at once the most hopeful and the most alarming features of the contest. This consideration makes it a common cause on each side. This unites Governments, which have nothing else in common; and this excites sympathy between those whose peculiar evils may be such as almost to forbid union of feeling or action. Thus, if we contemplated merely the condition of the peasantry of Poland, in relation to the territorial nobility of that country, a condition of strict servitude, we could find no very strong reason for the sympathy which has been expressed in their struggle, by the friends of liberty in France and throughout the civilized world. But when we reflect, that it is the unavoidable effect of the Russian domination, to extinguish in Poland that pride of national character, which is the source of all national improvement, and that this domination began, and has been perpetuated by a policy, which makes a crime of patriotism, and turns all the noble and pure feelings, which the patriotic principle implies, into treason, we see a rational ground for the sympathy which the friends of freedom every where feel and express for this unhappy race. If we farther reflect, that the same power, which crushes revolutionary Poland, is actuated by the same principle and moved by the same interests to crush revolutionary France; and that the archives of the late Government in Warsaw contain the documents, which prove, that movements to that end were in contemplation, we feel that France would be justified in acting, as well as feeling, in concert with the Poles. When our own Lafayette, in the French Chamber of Deputies, gave countenance to the idea, that France ought to take a part in the struggle between Russia and Poland, it was regarded, by the over-prudent, as an indiscreet and dangerous sentiment. We doubt not the veteran understood well the ground on which he trod; and most amply has he been borne out by the cool sneer of him who passed the Balkan, 'That the revolution of Poland had not even the merit of being well-timed, for it found Russia actually embodying a force to put down the rebels in Belgium and France.'

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But what is this war of opinion; what are the real grounds of a contest between the aristocratic and democratic principles? What do we mean by these principles? Are they mere phrases, —mere cant; or are they words of momentous significance?

They are words of appalling significance. Whatever be the historical origin of political communities, their object, the only object for which they are considered, in the eye of reason, as having been created, or as entitled to be respected and preserved, is the welfare of their members,—of the greatest possible majority of their members. There was a time in the history of the world, when it came to be believed, that the welfare of the greatest possible majority of the people required, that the civil government should be vested in certain individuals, emperors, kings, and princes, and transmitted in their families. But as it must at all times, and at every stage of civilization, have been extremely difficult to inculcate and keep up this belief, it was usual to dispense with it, as the actual foundation of government, which was *theoretically* put upon the ground of divine right, and *practically* on the right of the strongest. The main dependence was placed on the latter; and it became in fact a maxim of the English law, that the sovereign *de facto* was entitled to allegiance; which, taking the two principles together, was but another form of stating the irreverent proposition of Frederic the Great, who said, that he had observed, that the Lord was always the ally of the strongest party. But men are wonderfully swayed by prejudices early imbibed, —particularly by all such as can be made to connect themselves with religious faith; and no mean success attended the efforts of the civil and ecclesiastical rulers of the world, (whose interest was one,) to inculcate a sacred reverence for Government, an awful submission to power, which was carried in former days to utter prostration of self-respect and personal independence. While the Government was supported and upheld on these principles, its acts proved in all countries, that whatever the real wishes of the rulers might be, the happiness of the people was not the actual result of the whole system. On the contrary, the people were habitually oppressed with taxes and wars, having no other design than to settle the personal quarrels of their rulers; and as a necessary consequence of misgovernment, were kept ignorant and poor.

This was a state of things, of course, that could not stand against the first shock of any considerable effort of awakened

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reason; one sound and popular treatise, from a bold and enlightened mind, could have overturned it at once. Luther, or Calvin, or Erasmus, could have overthrown it, in one appeal to the good sense and obvious interest of mankind. But the system was ancient, and consisted of many parts. It was political and ecclesiastical; and those who saw the defects of one part of the system, were blinded to the evils of the other, and thus clung to both. The reformation in religion was treason to the monarchy. The disaffected nobles and princes in France, the Condés and the Colignis, felt the indignities, which they suffered from the interference of Italian priests in a Government, which they claimed a right to monopolize themselves. They therefore joined the Protestant party in religion, but without any notions of political reform. On the same principle, Henry IV. became a Catholic, in order to obtain a peaceable possession of the sceptre; and in this step he was countenanced by the conscientious and Protestant Duke of Sully, as he was imitated in the next century by the illustrious Turenne.

But not only were Church and State so mingled, that political and religious prejudices acted in aid of each other; but the entire frame-work of society was so artfully constructed, that the great and leading abuse of the organization of the Government was copied and perpetuated down to the lowest ranks in the community. The original plan of the feudal system produced this effect. It was a series of successive dependencies. The great barons who, as holding of the crown, were vassals, became lords, in reference to their dependent feudataries; and these exacted with interest, from their retainers, the deference and self-sacrifice paid by themselves to their superiors. The creation of an hereditary nobility, clothed with greater or less power in the government and engrossing a very large portion of the landed property, established in every little manor a miniature abuse, copied from the great primal evil of the arbitrary government of the State. And beyond this, the principle of primogeniture carried into every private family, whose possessions were considerable enough for its application, the same 'enormous faith of many made for one.' So all-pervading, so universal was this abusive system, so closely was it interwoven with all the relations of life, that no doubt it was regarded, nay *is* regarded by those for whose benefit it exists, as the natural order of things. The State was regulated, the Church was

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organized, the army was commanded, justice administered, property held and transmitted, on this principle. Men were born to it, and lived under it, and drew the prizes and the blanks of life on no other principles. It enlisted one great portion of the world on the side of their interest, in its support; and it laid upon the rest the hand of power, and what was far more terrific and effective, the leaden mace of their own ignorance. It was to the full as strong in the bigotry of its victims as in the craft of its chiefs. This was its strong hold; men gloried in being trained up to fight the battles of their own slavery. In the noble language of Lucan, they endured more, to decide whether Pompey or Cæsar should be the tyrant, than it would have been worth to have neither:

'—— tantone ——
Proventu scelerum quærunt, uter imperet urbi?
Vix tanti fuerat civilia bella moveri
Ut neuter.'

Finally, to all the strength of all the other abusive principles on which the old system rested, has been added, in each successive generation, the growing strength of habit. No man, in the Catholic Church, can take the first degrees of Saintship, under a century, nor be fully canonized under two. It requires a hundred years to raise human weakness to beatific purity;—but the hundred years, if circumstances are favorable, will do it. What subsists to-day by violence, continues to-morrow by acquiescence, and is perpetuated by tradition; till at last the hoary abuse shakes the grey hairs of antiquity at us, and gives itself out as the wisdom of ages. Thus the clearest dictates of reason are made to yield to a long succession of follies. And this is the foundation of the aristocratic system at the present day. Its strong hold, with all those not immediately interested in it, is the reverence of antiquity.

By this system we mean the aggregate of all the institutions which a people, supposing them to be virtuous and well informed, and meeting together free from all prejudices, to organize themselves into a political community, and capable of foreseeing consequences, would reject, as not tending to promote the greatest happiness of the greatest number. We will assume that a people thus assembling would decide, that it was best to have an efficient civil government; composed of the legislative, executive, and judicial departments; that they would provide for the choice of the man, whom the majority should

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think best qualified, as chief magistrate, and that they would furnish this executive officer with all the requisite means to enable him to discharge his functions. We do not, therefore, think a vigorous and well organized executive government a part of the abusive aristocratic system. But the people would plainly see, that their chief magistrate was not only constituted for their advantage, but derived his authority from their choice; consequently if any one started the idea that he possessed it by birth or divine right, (as no one probably would in an assembly of men coming together without prejudice,) the suggestion would be instantly rejected as groundless; it might even be derided as absurd. We therefore regard hereditary monarchy as a part of the system which is founded in abuse. Sooner or later, we doubt not, the time will come, when the absurdity of such a system will be as generally felt, as that of the establishment to which Fletcher of Saltoun compares it,—an hereditary professorship of divinity, which he says he heard of in some part of Germany.

This assembly would no doubt constitute a legislative body, and would probably (supposing it, as we have stated, gifted with the foresight of what experience has taught us) organize it into two separate chambers of legislation; but of this we speak with less confidence, as the experiment of one has never been fairly tried. But whether one or two, the people would of course arrange a plan of election, by which the members of the legislature should be designated by the people. If membership were viewed as a privilege, it ought not to be monopolized,—if as a burden, not to be permanently borne by one; consequently provision would be made for a limited tenure of the representative office, and an exercise, at marked intervals, of the popular choice. If any one should intimate, that in both or either of the houses, the right and duty of legislation ought to be hereditary; that when one legislator died, his place should be taken by his oldest son, or his nephew, or, in default of nearer kin, by the most distant assignable heir, (who may be perhaps the most stupid, the most vicious, the most contemptible person in the community); and should remain wholly vacant if he had no heir,—as if his family alone were endowed with special grace to fill it,—such an intimation would be received with astonishment and disgust, and apprehensions for the sanity of the man who made it. We therefore regard an hereditary House of Lords, as a part of the aristocratic system, founded on

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the most flagrant abuse. By the same test of principle, we should arrive at the same conclusion, in respect to an established Church, the law of primogeniture, and all antiquated, unequal, and abusive corporate monopolies, in civil or ecclesiastical, public or private affairs.

These all make up the arbitrary aristocratic system; and those who support it, and who,—by the way,—are far more numerous, than those benefited by it, are the aristocratic party. The liberal party are those who are of a *contrary opinion* on all these points. They maintain, that all Government is intended for the good of the people; and ought to be organized to that end alone. They accordingly consider the deliberate and well ascertained will of the people, as the rightful directory of the Government; and they hold it to be proved by experience, that this will can be ascertained in no other way, than that of an equal representation of the people, convened in legislative assemblies, elected for short periods. They know that in moments of excitement, and under the influence of party, both the people and their representatives may will that, which is not for their good; but they know, at the same time, that an hereditary chief and an hereditary legislature are equally liable to be misled, even in their honest opinion of what is for the well-being of the whole people; with the additional evil, that the standing interest of their order is adverse to that of the mass. They accordingly hold that, in the long run, the people acting through representatives of their own choice, are the best judges of their own interests; and that all good government consequently resolves itself into an equal representative system.

But now comes the difficult question in practice, the question requiring for its happy solution the utmost wisdom and calmness, but likely to be agitated on fields of battle, by infuriated armies; that is the question of reform; or of discarding one system and introducing the other; and on this point, there are as many opinions as there are independent thinkers. Although, generally speaking, there are the friends and enemies of reform, divided into the two great parties of which we have spoken, yet a portion of the aristocratic party are willing to abandon a little, to save the rest; and some of the liberal party agree to take something, by way of concession, rather than wade through blood for the whole, with the risk of gaining nothing. The action and re-action of these feelings, for several gen-

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erations, in England, has produced that compromise, which is called the Constitution, and which contains something of the aristocratic and something of the democratic principle. This circumstance renders the question of reform singularly complicated in that country; and authorizes each party to maintain, that its favorite principle is the principle of the Constitution.

But good and wise men of all parties admit, that an original wrong may become, in the lapse of time, a vested right, thus far, that in making the changes, which reason and the welfare of the community require, tenderness is to be exercised towards those, who, by no act of their own, are so connected with the present state of things, that they will be ruined by the change. But it must still be remembered, that, where a vested right rests on an original wrong, which after all is a wretched foundation, and where the acquiescence of the people has been compulsory, which is no consent, there the matter ought to be construed most favorably for the many, who suffer by the existing state of things, and least favorably for the few who suffer by the change.

But the passions of men! Aye there is the rub. Reason, the heavenly dictatress, speaks in the general in no ambiguous language. Her teachings, even on these great and difficult questions, are intelligible. She would guide us, by a plain and easy path; would guide us,—nations as well as individuals,—to our greatest good. But her sweet voice is drowned in the cursed din of the passions. The pride of opinion; the selfishness of interest; the generous and the base sentiments; the last infirmity of noble, and the first of mean minds; these all rush to the field, and the principles of the two great parties are often little more than watchwords. Intense concentrated passion is, in too great a degree, the spring of action; reverence for antiquity, awe of sanctity, pride of lineage, *esprit de corps*, appetite for novelty, spirit of adventure, ambition, avarice, envy, revenge, and malice, and at length a horrid thirst for plunder and blood. With these motives to stimulate the combatants, who can wonder that the result is too often one, that equally mocks the hopes and defies the calculations of men. We pretend not to prophecy the result of the present movement in Europe. They least know what will be its issue, who are most nearly connected with its origin and progress. Could it be at all foreseen, the more remote and disinterested

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the observer,—possessed of competent information as to facts,—the better qualified would he be, to anticipate the event. The darkest cloud does not always wrap up the fiercest tempest within its lowering folds. A congress or two of the five leading sovereigns, each with an army of two hundred thousand men, to convince the world of the equity of their decisions, may put all right. From the calm fountains of Aix-la-Chapelle and Laybach, the excited nations may again drink in tranquillity and submission. But, as we have already hinted, we hold it to be equally probable, that this generation will not witness the *denouement* of the great drama. We believe that the fear of change, which perplexes monarchs, will pass into a still more fearful reality. A few years since, the audience chamber of the Tuilleries was crowded with allied emperors and attendant kings. He on whom they waited lies low; his lifeless body walled down into the rock of St. Helena, as if the world would have been unsafe had it rested beneath an ordinary covering of clay. Now the palace which bids fairest to be thronged is Holyrood House. In the course of the impending struggle, dynasties will very likely be set up and expelled; kings voted in and voted out, republics proclaimed and crushed. Governments will dissolve into anarchies; and anarchies ripen—or rot—into military despotisms; and these vicissitudes may fill up generations.

Nor can we disguise the opinion, that those States are in danger of the greatest changes, which are organized on a mixed principle. The doctrine of checks and balances may be harmless in a quiet time, and in the undisturbed action of the machine. But when, by some disturbing force, the equilibrium is destroyed, one principle must prevail to the subversion of the other. Then the resistance that checks will chafe; and the weight that balances will bear down; and the more complicated the machinery, the greater the number of parts exposed to disorder. A musical clock is much more likely to get out of repair than a trip hammer. In the political constitution of powerful States, checks and balances,—if they mean any thing,—must be institutions and departments of Government of great force and opposite tendency. Administered by one harmonious, all-pervading counsel, the action is wholesome, easy, graceful; the mighty pendulum of State swings easy and true; and goes no farther on one side than on the other. But suppose a condition of things, when a demon of

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discord has taken possession of the body politic, and these great and powerful institutions are at war with each other, each deeming the natural action of its antagonist an abuse, an encroachment, and an outrage,—when the hands are set to tear out the eyes, and the teeth to gnaw the limbs, and what is a system of checks and balances then?—In the present state of the world, we believe that the two simplest Governments are greatly the safest, and least likely to be affected by the convulsions of the times, we mean those of Russia and the United States. The former we think safe, for there does not appear to be any considerable number of persons desirous of change, or disaffected to the present order of things; consequently, there is no antagonist principle. Our Government, of a totally different character, is safe for the same reason. Whatever local discontents may have been created by individual measures, the number is exceedingly small of those who wish for a stronger or a weaker Government. On the other hand, we consider the condition of England as highly critical. It has long been the boast that her Constitution is mixed. Perhaps it would be found, on an impartial analysis, that this supposed mixture is a state of transition from the pure absolutism of the Stuarts to a pure representative Government, toward which since 1688, the Constitution has been struggling. But it is plain, that a pure representative Government cannot exist, where two of the great estates of the realm are hereditary. Mr. Canning denies expressly, that the House of Commons is intended to represent the will of the people; and admits, that if it were so intended, it would root out the other branches of the Government. Tacitus has been appealed to as a witness in favor of the abstract superiority of a mixed form of Government. Sir Robert Peel quotes him for this purpose, in the debate on the pending plan of reform. But in the very sentence in which Tacitus expresses his opinion in favor of a mixed Government, he says that it would be hard to organize, and of transient duration.

France has already gone through many stages of this great change. Either the extremity of the old abuses, or the ardent temper of the French people, or some unexplained fatality pushed the first movements of reform into the wildest excesses of revolution; and from this the State swang back to a military despotism. The surface of the waters has since been broken and tost, and the men and things moving on it, have

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been strangely driven about, and, seemingly, without a course. But the under-current, we are inclined to think, sets deep and strong towards a republic. The present state of things is evidently provisional. The people, who through their deputies, have chosen Louis Philip, will, no doubt, choose his successor, and will, probably, choose him for a limited period. Is it likely, that that prince will be permitted to transmit his crown to his son, who has been compelled to obliterate the emblems of his family from the seal of State? Is the chief magistracy of the country so much more of a trifle than the *fleur-de-lys*, that the king, who is obliged to abandon the one, can keep the other? In a word, are not an hereditary crown and nobility absurdities in theory too great to stand the test of popular opinion in France? Nothing is too absurd to pass current, while it passes unquestioned; the greater the paradox, the heartier the assent. King Log, reposing majestically on the oozy bank in unapproached dignity, is a very efficient potentate, and a world of strength and terror may be fancied within his periphery; but when his subjects leap on him, they find he is but a log; and when they find he is a log, they will neither respect nor obey him as a king. Is it possible to put the hereditary right to the crown into a form of words, in which it will command the assent of a people like the French?

Nor do we think the state of things is widely different in England. The temperament of the English is less mercurial than that of the French, but the popular feeling is not less intense. Were the division of property in England more equal at the present day, so that a larger number could be interested in preserving the public peace, the monarchy might pass into an elective Government without a convulsion. The change might be effected by a strenuous Parliamentary contest. Like Catholic emancipation, it would be debated a few years and become a law. The crown, which at no remote period has been vacated, settled, and limited by law, would by law be dispensed with. But the extreme inequality of fortunes gives an ominous character to the contest. There are too many who have nothing to lose. One party contends for the preservation of privileges, too vast to be resigned; the other contends for life; it is the unyielding resolution of those who have all, against the utter recklessness of those who have nothing, at stake. The aristocracy is too rich, the mass of the people too destitute. The same paper, which recently gave an account

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of the Marquis of Londonderry's establishment, and of his *fête* to the king and queen,—an establishment and festival of more than oriental splendor,—made mention of the starvation of hundreds of the Marquis's fellow-citizens in Ireland; and this contrast of condition is believed by the mass of the people,—no matter whether truly or falsely,—to be connected with the political abuses of the Government.

Here was Mr. Canning's great mistake. In his strange menace to the Continental alliance, that in the impending war of opinion, England would have it in her power to rally under her standard, against the sovereigns of Europe, the disaffected of all countries, he forgot the disaffected at home. He forgot that the British Government was actually compelled to exert its whole energy, to keep down insurrection; suppress the burning of barns and dwelling-houses, and an indiscriminate spoliation of property. Does any one suppose that the Catholic question was yielded to any thing but the fear of a revolt in Ireland? Did not Sir Robert Peel put the justification of his own course on that question, after a Parliamentary life of opposition to it, on the ground, that the Government could not be carried on without the concession? And does any one suppose that the present plan of Parliamentary reform will prevail,—if it do prevail,—on any other principle, than that of a fear of the physical power of the people?—Taught by these concessions how powerful they are, will the people be more or less loyal to the antiquated parts of the Constitution?

And what is this plan of reform in Parliament?

It appears to us, that it is what it has been declared to be, by the most eminent of those who have opposed it in Parliament; a Revolution; a great change, carrying within itself a pledge of further change. It has been said of revolutions, that they do not go backward. It may with equal truth be said, that they do not stand still till the goal is reached. The foot-marks not only point forward, but they run on to the extremity of the principle. An American may be permitted to canvass the merits of this plan of reform, for in one of the speeches of greatest ability,—ability visible through a wretched report,—which we have seen in its support, that of Mr. Macaulay, it is expressly contrasted with the 'Rule of Three' system of the United States; which system is declared to be unfit for England, however well adapted for America. Now we are greatly mistaken, if the event do not prove, that nothing short of the

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Rule of Three plan will satisfy the people of England, and that whether the present measure be adopted or not, a question, which will, probably, be decided before our article sees the light, but of which it is impossible for us to foresee the decision.

What is the 'Rule of Three plan?' as it was originally called by Mr. Canning, and after him by Mr. Macaulay, in the late debate. It is simply this, that if forty thousand inhabitants choose one representative, eighty thousand shall choose two. This is our Rule of Three system. Is it not just, is it not reasonable, is it not equitable? Can any other plan be adopted for a representation, which avowedly proceeds on *principle?* Observe, it is not now a question, whether the present system of representation in Great Britain does not work as well as ours, or as any system; but whether a great change in the present system, called a reform, which begins by wholly disfranchising sixty boroughs, *because* their population is under two thousand, and deprives of half their franchise forty-seven boroughs more, whose population is under four thousand, can stop there? It is not pretended that these sixty boroughs are more than others corrupt. It is not pretended, that they have not, on an average, sent a fair proportion of the ablest and most eminent members to Parliament; and it is not pretended that their corporate franchise is not as good and valid as any other right in the kingdom, resting on tradition and prescription; but it is assumed as a principle, that no community possessed of less than two thousand inhabitants, shall send any member, and none possessed of less than four thousand shall send more than one. Now we wish to know, whether this is not, thus far, the Rule of Three system, acknowledged to be just, by being thus adopted; but inevitably leading much farther. What reason can be given, to satisfy the inhabitants of some of the populous towns having no representation at all, and to which it is not proposed to give any?* On the present system, the answer is ready; and it is this, the British

* The justice of our argument has been evinced, by the amendments actually proposed by Lord John Russell, one of which is, that every town of a population over ten thousand shall have a member. This farther concession we take to be made on the Rule of Three principle; but the ministry having been obliged to make it, will the people of England be contented at the contrast between the old boroughs, under four thousand, sending one member, and the new boroughs, over ten thousand, sending no more?

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Constitution does not propose a geographical representation; it finds certain boroughs, some large and some small, possessed of the right of sending a member to Parliament, for a long period of years, some of them from time immemorial; the system, in practice, operates well, and it does not profess to be founded on the Rule of Three. But now come the reformers; they say, it does not work well, that the House of Commons has lost the respect of the people, that it is an abuse which cannot be longer borne, that boroughs of less than two thousand members should send representatives, although they may have done it, by a prescription, as old as any title in the kingdom; and that it is an equal abuse, that boroughs of between two thousand and four thousand should send more than one member. Well, then, cannot all the unrepresented towns in the kingdom, whose population exceeds two thousand, say, that if you discard tradition, and go upon reasonableness and fitness, our right is as good as that of the represented boroughs? Surely they can and will. So too as to the counties. It will appear on the reformed plan, that counties differing widely in population possess the same share of power in constituting the House of Commons. Will this be endured in a system, which disfranchises sixty boroughs for no other reason, than that their population is smaller than the others'?

The necessity of farther reform will also be made more apparent, as soon as the application of the new and uniform system of suffrage shall take place. At present, the right of suffrage is very variously exercised in the different boroughs. When it becomes uniform, and the election is made to depend on the number of inhabitants in the several boroughs, possessing the requisite qualifications, and when great questions come to be decided by small majorities in the House of Commons, will the unrepresented, or inadequately represented population, submit to the abuse? Will Leeds, and Manchester, and Liverpool submit to be represented by the same number of members as the old boroughs, whose population is ever so little over four thousand? Surely not. Those, who suffer by the imperfect application of the Rule of Three system,—that is, the majority of the people,—will clamor to have it carried through; and they will have reason and common sense on their side. Mr. Canning and the anti-reformists could answer them; but Lord John Russell cannot. The vice of the present system is, that it *is* the Rule of Three plan, with a blunder in working the question.

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The question is, if the borough A has 4,000 inhabitants, and sends two members, how many members shall the borough B send, which has 10,000. Lord John Russell works the question thus; as 4,000 is to 2, so is 10,000 to 2. But it is not. As 4,000 is to 2, so is 10,000 to 5. Then if Lord John Russell should say, that, after all, he does not follow the Rule of Three principle; the next question will be, what principle do you follow, in disfranchising wholly the boroughs under two thousand, and half disfranchising those under four thousand?

It is to be considered further, that the population of England is exceedingly homogeneous. The people, on an average, are as enlightened and well informed in one borough and in one county, as another; and if they were not, the reformed plan does not attempt to give any preference to the more enlightened few, over the less enlightened many. To the manifest injustice of such a state of things as already existing, the anti-reformer has his answer ready; and it is an answer in the spirit of the British monarchical system. We take the representation as we find it, among the traditions of the monarchy. Specific abuses of bribery and corruption, we are willing to correct by disfranchisement in the individual case; but we will disfranchise no corporation on the Rule of Three system. The moderate reformer can give no answer; he can neither plead tradition nor the Rule of Three. He sins at once against the genius of the British Constitution and the four rules of arithmetic. He can stand neither upon Lord Coke nor Cocker; the *jus parliamentarium* nor the multiplication table.

But it is by no means the most momentous consequence of the new plan of British representation, that it must infallibly lead to radical reform and a geographical representation, in the House of Commons. How will it affect the other institutions of the monarchy; the House of Lords, the Established Church, and the hereditary crown? On what foundation do these all rest? Is there any other than tradition and prescription? When they are subjected to the test of the political metaphysics, which decide, that no borough of less than two thousand inhabitants shall retain the franchise of choosing members, can these other institutions stand? We think not. The right of Old Sarum to send members to Parliament is assuredly as ancient as the House of Lords. Old Sarum was a city before the Peers of England were a House of Parliament. The whole Parliament

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of England once sat within the walls of this ancient city, now to be deprived of the franchise which it has enjoyed for so many centuries. It is true that Old Sarum, now reduced to a wheat-field, enclosed by a mound, is a very different thing from what it was when it was first summoned by the king's writ, to send burgesses to Parliament. But is it more changed than the House of Lords is changed from its original character and composition? What resemblance is there between the gentlemen, who, with titles of nobility wholly destitute of their original meaning, fill the House of Peers, and are distinguished in nothing but their titles from the rest of society, performing neither in peace nor war any functions peculiar to themselves, and the bold barons of an earlier age; the retainers of the crown, wielding the military strength and engrossing the landed property,—that is, at that period, all the property,—of the realm? If the modern peerage retain any of the qualifications of the old peerage of feudal barons, it is their wealth. But considering that the peerage has no share in the commercial and manufacturing wealth of the country, we are inclined to think, that a number of commoners equal to the number of peers might be selected, whose aggregate fortunes should equal those of the peers. But whether this be so or not, the contrast of the present with the ancient condition of Old Sarum is surely not greater, than the contrast of the present with the ancient character of the English peerage. While then you disfranchise Old Sarum, because it is a theoretical absurdity that an individual nobleman should, as its proprietor, return two members to Parliament, how can you defend the still more stupendous absurdity, that some three or four hundred noble individuals, neither richer, nor more enlightened than as many thousands in the community around them, should actually compose one entire house of legislation, independent of the people and the crown, and transmit this great franchise to their posterity? We again wish the precise point we are laboring to be understood. We are not now arguing against a House of Lords; to moot that question, in this country, would be like reviving the Ptolemaic system; but we are maintaining that the reasons alleged for disfranchising Old Sarum, go the whole length of disfranchising the House of Lords.

It may be said, that there is no clamor against the House of Lords, and that there is a vehement clamor against rotten boroughs. This is a reason of a different kind; and the fact,

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we believe, is partly so. The whig aristocracy do not yet clamor against 'their own order;' on the contrary, they manfully sustain it; and the moderate reformers go along with them in this respect. But is a majority of the people of England, numerically taken, friendly to an hereditary house of legislation; is the peerage popular with the Radicals? Read the extracts from the Penny Papers in the Quarterly Review for last October. Recollect the manner in which the axe was laid at the root of the House of Lords in the time of Cromwell. We know the statesmen, who bring forward the present measure, do not propose to destroy the peerage; but will the like forbearance be observed by the agitators, whom that measure will bring into Parliament, and by the people, whom that measure will instruct in their strength, and animate in their zeal?

And if such be the prospects of the peerage, how will it fare with the crown and the church? Let us dwell for a moment on the principle of these establishments. Was it all mere arrogant assumption; all gratuitous fraud upon a credulous age, which taught that the establishment of crown and church was *jure divino*? Far from it. It was a calculation of the deepest worldly wisdom, a provision of the most consummate selfish sagacity. Starting from the simple and undoubted principles that civil government is approved by Providence, and that Christianity is a revelation of Divine truth, men were trained on to the toleration, and at last to the reverence of an established church and an hereditary crown, subsisting by the grace of God. The subtle spirits who reared this fabric knew well that it could rest on no other foundation. The great master principle of human weakness, man's dread of the mysterious unknown, his self-prostration before the Infinite, was resorted to, by the authors of these institutions, because no other principle was strong enough to subdue him to these institutions. They looked round for shoulders broad enough to bear this yoke. Chivalry rattled her sword at the very suggestion of it. The great barons looked over their battlements, and laughed at their fellow baron, the king, who, claiming to be greater than the greatest, was sometimes weaker than the weakest; but Superstition offered his sturdy back to the burden, and bore it, like the strong ass in the Bible, for centuries. But those centuries are passed. The divine right of the crown and an established church are exploded, and on what foundation do they now rest?

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If they rest on any other foundation than that on which the franchise of Old Sarum rests, we do not know what it is. They are the traditionary institutions of England; the pillars of the British monarchy. They are now, if you will, erect, but their basis is insecure. It is not two centuries since the great usurper heaved them from their foundation, and showed that their substructions, as the historian says of those of the Roman capitol, were insane. The era of the elder political fanaticism has gone by. A milder delusion succeeded, and the revolting features of the ancient toryism are now hidden under the mask of tradition. The sanctity of that tradition is in its turn assailed, and in it the only conservative principle of the British Constitution. We do not say, that the British Constitution is doomed to irremediable abuse,—to the forced toleration of any and every existing evil. But we humbly apprehend, that the only principle of reform, which is consistent with its preservation, is the temperate correction of practical evils, by specific remedies applied to the individual case. General and theoretic remedies are inadmissible; for theoretically the whole monarchy is an abuse.

If this plan prevail, the ancient system will be in fact acknowledged to be abusive; and the Reform will be the Constitution. This new Constitution will of course rest on a totally new principle, viz. that no institution shall be allowed to continue in England manifestly unreasonable in itself,—however ancient the prescription on which it rests. Can such a principle stop at the present measure of reform? It is impossible. It will stop at nothing in the House of Commons, but an equal geographical representation of the kingdom by districts;—and when that is attained, it will stop—let the man who can, say where.

It must be recollected, in calculating the progress of reform in England, that it is to be governed by powerful influences, exterior to that country,—and independent of any control from within. One of the great elements of modern society is international sympathy. A narrow channel divides England from a country, whose institutions were as ancient, and till they fell, were believed to be as solid, as those of England. In the progress of forty years of tremendous revolutions and fearful vicissitudes, France has reached a system greatly exceeding the English, in its popular character, and is verging toward one still more completely popular. A great

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multiplication of small freeholders, consequent on the breaking up of the landed estates, has shaken the French aristocracy to its foundation; and the extension of the right of suffrage will again put the continued existence of the peerage, recent at the best as at present constituted, to the question, to be decided by the representatives of the mass of the people. How will that question be decided? Does any man doubt?

But it is not from France alone, that England is to learn the great lesson of reform. Although her statesmen now think they cannot adopt our Rule of Three system, destiny is not surer, than that they must and will imitate it. Right or wrong, beneficial or pernicious, it is impossible to persuade the mass of the people of any community, that the system, which gives to them an equal voice in the Government of the country, is not the best. Governments and ministries may persuade themselves, but they cannot persuade the people that they are their own foes. The prosperity of this country, under its popular representation, will prove an argument for radical reform in England, which nothing can refute. It will come with the greater force, because it comes from a kindred source. When we proclaim the superiority of our system over the English, we do not say that our Abana and Pharphar are better than all the waters of Israel. No; the pure stream of our popular system flows out of the living rock of English liberty. Our fathers brought the principle from their native land, and established it here. Of British origin, it is congenial with British feeling; it is natural to the Saxon race. Till it had been so beautifully developed here, it was competent for the champions of ancient prescriptions to say that an equal representation was an Utopian dream. But we have exhibited it to the world, a noon-day reality; a living, healthy and powerful agent. We learned from the fathers of English liberty, that taxation and representation should go hand in hand. We saw, in the land of our forefathers, that this glorious maxim was thought to be satisfied, when supplies were voted to the ministry by a Parliament, in which four hundred and eighty-seven out of six hundred and fifty-eight held their seats, either on the mere nomination or under the controlling influence of the Government and two hundred and seventeen individuals. Not thus did we understand and apply the maxim. We believed that all, who share the burden of the taxes, should possess a share in the representation; and on this as on the corner stone

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our system rests. Is it just? Is it equitable? Is any other system either just or equitable? And when you cut adrift the vessel of State from the ancient moorings of tradition, will she not infallibly be borne down the popular current, as far as it flows? Will the people of England, once engaged in the business of reform, compare their unequal, imperfect, and complex system with one as simple, equal, and just as ours, and submit to the continuance of the abuse? It cannot be. We shall more than return the inheritance, which our fathers brought over with them; and like the Roman daughter, we shall give back the tide of life to the frame of our political parent.

What period may elapse, before the political system of England will be thus regenerated, we affect not to conjecture. No observant person can deny, on the one hand, that elements are there in motion, competent to the production of any change, however stupendous; nor, on the other, that the existing institutions are deeply enough rooted, for a duration indefinitely prolonged. What we call accident exercises the most potent influence over human affairs, in peace as well as in war. We believe it may be safely said, that no great political movement ever resulted precisely as it was intended to. We should not be surprised, if a very few years witnessed an organized republican government in France and in England. It would not imply greater changes, than those which took place in this country between 1775 and 1789. Those changes here, it has been said a thousand times, grew out of the prevalence of a few elementary principles of civil liberty; and those principles, at the present day, are just as current in Europe, as they were and are in America. The object of government is the good of the people; the rights of the people are equal; the well ascertained will of the people is the rule of government; these maxims are just as well understood in England as in America; and they are if possible more inconsistent with moderate reform, than with the continuance of the old system.

It may be, that the great war of opinion will be delayed till England and France are thus regenerated; and that all the struggles which precede this consummation, will be but as skirmishes preliminary to the great and eventful battle. No one can doubt, that it will be contested with fearful power and perseverance; for while the liberal principle has been organ-

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izing itself in one part of Europe, the opposite principle will have been consolidating itself in the other.

Of the event of the contest, if we judged only from the past experience of the world, where liberty has so often been cloven down and trampled under foot, we might despair. But we take refuge in general principles. We may mistake the moment of their application, but their truth is beyond dispute. Man was born for liberty; his soul pants for liberty; he has faculties both of power and will, that fit him for it; civilization is but the growing progress of communities toward liberty, and liberty will triumph. The array against her may be appalling, but her cause is the cause of God, who will neither fear nor let us despair,

> 'When to meet the noise
> Of his almighty engine he shall hear
> Infernal thunder; and, for lightning see
> Black fire and horror.'

We know it is said, and almost in lieu of every thing like a vigorous grasp of the subject, that Europe is not fit for free institutions like ours; and that every effort to establish them must therefore prove abortive. But suppose we grant, that Europe is not *now* fit for a popular representative Government? What then? Can it never become fit? If the system be rational, and be demonstrably founded in a sound philosophy of our nature, is it enough to say that Europe is not fit for it? The process of its adoption may be slow; it must be gradual; it may be painful; but we are strongly inclined to think it will be sure. It is even now in train. It is precisely this transition from the absolute to the liberal system, which is shaking the established Governments of Europe. This great social revolution, like every thing else in human affairs, will proceed with an irregular movement, by fits of progress and relapse. In all that is accomplished by human agency, and more especially the joint agency of many individuals, there must be turns of effort and exhaustion; of conflict and languor; there must be seasons of hope and despair. But the work goes on, and often when the energy of one agent seems exhausted, and the sacrifices of one generation appear ineffectual, a mighty re-action brings up the arrears of the revolution; and shows that the reforming energy was but accumulating its power, while its visible demonstration was stayed.

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What is the purport of this often repeated proposition, that Europe is not fit for our free institutions? Let us examine it, and see if it be not a *petitio principii* of the enemies of reform; an adroit,—and not very adroit,—evasion of the arguments, by which the correction of ancient abuses is urged.

When it is said that Europe is not adapted to our institutions, it is of course not meant that there is any peculiar quality in the European soil, which unfits it to be the theatre of a free popular system. It must be meant, that the civilized nations in Europe are not capable of living happily under such a system. Now why are they not? We think they are, and among other reasons, for the following.

Taking it at present, for granted, that a free popular and representative system is itself the only Government consonant with reason,—which we do not understand to be denied *in the abstract*,—we maintain, that our system is adapted to the political societies of Europe, as well as of America. 1°. Because man is not only the same being on both sides of the water, but because the nations are of the same social stock; and it is not to be admitted, that in great and vital concerns, such as Government, families of nations of kindred origin, and reared in the same school of civilization, should require, the one an arbitrary, and the other a liberal system. It cannot be that despotism suits men on one side of the water, and liberty on the other. Liberty suits them on both sides; it suits them equally on both sides; and the main arguments against its introduction in Europe amount to an admission of this proposition; for these arguments are little more than an allegation of the antiquity of the existing prescriptions, and the inconvenience of a change; not that the established order of things is good in itself.

But not only are the nations of Europe and America of the same stock, and brought up in the same school of civilization, but their present social condition, man for man, family for family, neighborhood for neighborhood, is so nearly the same, in all things not connected with their political condition and civil privileges, that it is scarcely conceivable, that they should be supposed, by any intelligent person, to require a radically different constitution of government. Compare Americans and Englishmen together. Do not the same principles of natural justice, the same notions of equity prevail between man and man? Is the duty a man owes his neighbor very differently

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understood in the two countries? Are not the domestic relations on a footing substantially the same? Are not reputation, pleasure, fortune, ease, and other great ends of life desired and pursued in the same way there and here? Most certainly. With what plausibility then can it be affirmed, that England is unfit for republicanism; that while in America, the people insist on choosing those, who make and administer their laws, it is absolutely necessary that in England they should not choose them? We believe that no such necessity exists, nay, that the pretence of it was abandoned, when the doctrine of *divine right* was abandoned. There is no medium between that doctrine and popular will. How can there be? If the king holds neither of God nor man, of what or whom does he hold?

But it is said, the mass of the people are not enlightened enough in Europe for a republic. This is a plausible argument. It has been often used; we have, perhaps, used it ourselves; but on reconsideration, we are inclined to doubt its solidity. It cannot be that there are not in all the countries of Europe persons enough of intelligence to carry on a popular Government. At any rate, we suppose this will not be insisted on abroad as the difficulty. We do not perceive that it is any *more* necessary, that a republic should be enlightened than a monarchy. If the people are ignorant under any form of Government they will be cozened and oppressed; it does not necessarily follow, that this will be more the case under a republic than a monarchy. We think the reverse might be shown, and, at all events, who can doubt, which form of Government is most likely to create a widely diffused mental *stimulus;* to rouse the people generally from their ignorance, and encourage them to promote the cause of popular education? The very argument shows, that it is the tendency of the arbitrary system to perpetuate ignorance, and of the liberal system to encourage the diffusion of knowledge.

Again it is said, there is too great an inequality of fortunes in Europe for a republican system;—that power must directly or indirectly go with property.—Here also it may be doubted, whether this is not an exceedingly temporary state of things, which a bloodless revolution could entirely change. Let a law pass distributing estates equally, and prohibiting long trusts; and this enormous disparity of fortunes would not last two generations. Besides, we apprehend this difficulty is more formidable in appearance, than in reality. When we

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thus contrast Europe and America in this respect, and in the more general diffusion of knowledge in this country, it seems to be taken for granted, that uniformly throughout America, there is a great equality of wealth and intelligence. It is, however, well known, that this is not so. In our large cities, there is every shade of human fortune, as in Europe. It has been stated, that in Boston there are two thousand persons and more, who get their daily bread by begging or fraud. These must all be persons of desperate fortune, of abject poverty. There is in the same city a very wealthy class, and between the two extremes, there is every intermediate degree. Does not the popular system work well in Boston? A more perfect democracy never existed, than that, which has at all times and under all names, swayed our ancient metropolis. But go out into the country; does not the same inequality exist? We fear it does. We wish the supposed distinction between Europe and America in this respect were better founded. There is, we know, a vastly greater amount of abject poverty and want in Europe, arising mainly out of the plan on which estates are divided; but we mean to say, that that Utopian equality of condition, assumed to be necessary to a republic, does not exist in town or country in the United States. We have no landed proprietors, whose estates yield two hundred thousand pounds a year. We presume there is not a merely landed estate in America, the fee simple of which is worth one year's rent of the Duke of Bedford's property. But we have wealthy citizens in the country. So too, thank Heaven, we are not overwhelmed with pauperism; but there is in every village something of it; and between these two extremes, there are all the shades of condition. But popular institutions work equally well in town and country, and perfectly well in both; and we do not, on scrutinizing the proposition, perceive any necessary or natural connexion between the existence of an army of paupers, and incompatibility with republican institutions. Or if there be, the greater the burden of pauperism, the stronger the motive for introducing the corrective of popular institutions; and we accordingly find the oppression of the poor laws in England named as one of the evils, which demand a Parliamentary reform. If it be meant, that a very wealthy hereditary aristocracy could not subsist under a republican Government, because the laws of primogeniture would be repealed and the statute of distributions would be changed, this

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is true, but it amounts merely to saying, that you cannot, at the same time, have the aristocratic and the liberal system. But every day's observation shows, that a popular system is not incompatible with the honest possession and secure enjoyment of large private fortunes.

But it is true, that there are parts of the United States where, from obvious causes, a more general equality of condition and fortune prevails than in others; we refer to the newly settled portions, as compared with the old. If this objection to the introduction of liberal institutions in Europe were well founded, these institutions ought to be observed to operate more successfully in those parts of our country where this greater equality exists, and less so in those, where there is a greater disparity of conditions. Such, however, is in no degree the fact. There is not, perhaps, any very perceptible difference in this respect, but if there be any, it is the other way. The great point of embarrassment in popular Governments, is the orderly conduct of elections and respectful acquiescence in their result. Now it is notoriously the case, that the elections are no where more quiet and orderly than in the oldest settlements of the country. Five thousand votes are frequently taken in one day in Boston, and a few years ago, in one hall; but a popular tumult, going to the length of a bloody nose, we do not remember to have heard of, in the most angry party times. In the more newly settled parts of the country, the elections are occasionally more tumultuous.

But, it is said, the people of Europe are habituated to hereditary institutions. This is true, and what follows? Nothing but this; that the first generation might be somewhat awkward in administering a different system. Our forefathers were habituated to the European system; but they built up their republican Colonies with infinite ease. If the political history of Europe were examined for this purpose, it would be found, that in all the essential relations of society and government, changes are at all times made, affecting the condition of men vastly more than an abolition of the hereditary principle would do. The Catholic emancipation affected more persons agreeably and disagreeably, than would be affected either way immediately, by making the King of England eligible every seven years. A declaration of war shakes the frame of society more, we think, than it would be shaken by quietly substituting an elective Senate for an hereditary House of Lords. There is

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not so much tenacity of national habits as is supposed. A nation is composed of individuals; and though its history runs back a thousand years, it is made up of short-lived men. The monarchy is a thousand years old; but the rising and risen generations of men, who between the ages of twenty and forty-five decide the course of affairs, have had none of them a very long, many of them a very short time to become habituated to any thing. Make the superior excellence of popular institutions the prevailing opinion of the day; enlist the newspapers in its support, and get the popular speakers to take it up, and you will soon see what the habit of a thousand years is worth. Could you wake up the past generations from their graves; could you gather together the perished multitudes, who have lived and died beneath the antiquated institutions, you might then put the question on the ground of long prescription; and we have great doubts whether you would carry it even then,—certainly not, if they had to stay with you and live under the old and abusive systems.

Do you say the people are too ignorant? It takes a child six months to learn to read, and an adult may do it in six days. The expense of the Walcheren expedition:—the money,—to say nothing of the men,—the money, that was buried under the mud of the islands in the Scheldt, would have sent a schoolmaster to the remotest glens in the highlands, and the deepest mines in Cornwall. As for equality of fortune, one generation is long enough to introduce as perfect an equality in Europe as in America, and this without violence, confiscation, or even personal hardship:—for there is surely no hardship in passing a law, that when a man dies, if he do not dispose of his property by will, his children shall divide it; and if he do dispose of it, it shall only be for one generation. Hardship did we say? The hardship is the other way. Such a law would at once remove this much dreaded barrier to free institutions.

But were the difficulties few or many, small or great, which oppose the introduction of liberal institutions in Europe, they are not of a nature, which will satisfy the mass of the people. You cannot satisfy them, that any thing is too good for their enjoyment. Seeing the American people choosing their chief magistrate every four years, they will not trust to the chance of birth the designation of a chief magistrate for life. When they see us calling from the mass of the community the citizen, whom we may deem most worthy and best qualified to

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administer the State, they will not allow this momentous trust to pass by inheritance. When they see us, at the end of four years, quietly displacing the chief magistrate, who has disappointed public expectation, they will not submit to the alternative of a life of misgovernment or a bloody revolution. They will have an elective system; or, at any rate, they will try for it.

They will not be alarmed at mistaken representations of the instability of our system. We were surprised, in the late debate in Parliament, to find even so well-informed and liberal a person as Sir Robert Peel, falling into this error. In his able speech on the project for Parliamentary reform, Sir Robert, after saying that our system was but forty years old, asks, "how often since 1789, there had been a change with respect to the mode of electing a President." It cannot be denied, that *one* change in the details of the choice has been made; but we think it may be affirmed, that the same persons, that have been chosen, would have been chosen, had the Constitution been from the beginning as it now stands, or had it never been altered. It would be an inquiry foreign from the subject, but we think it would be easy to prove, that the British Constitution has, for every forty years since their constitutional history begins, undergone greater alterations, than that which took place in our Constitution, relative to the election of President. Every Parliament may alter the British Constitution at every session; the very difficulty of the progress of an amendment of our Constitution through all the requisite stages, must make it a rare occurrence.

Finally, we believe the people in Europe fit for a general and a radical change, for this reason, that the existing system is upheld by military force. It is well known that a powerful police and a powerful army are kept up in every part of Europe; and in England not less than on the Continent. Thirty thousand men, armed with bayonets, watch over the tranquillity of Ireland. In England, where it is forbidden by law to station a military force in a place, where an election is going on, it is usual, whenever a contest is anticipated, to put a few companies in motion toward the neighborhood of the spot, where the poll is held. It has been remarked, that without the horse guards, London would be uninhabitable. The liberal politicians of the last century, and especially our fathers, dearly cherished the maxim, that standing armies in time of peace

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were dangerous to the liberties of a people. They had a right to think so, for this was the agency by which the Governments in Europe were all upheld. But they failed to provide a remedy. Continual wars rendered constant levies necessary to the public safety, and the condition of Europe was rarely such that it was safe to disarm. Had the attempt been made by any legislative body, against the pleasure of the crown, to disband its troops, and thereby break its power, the troops were at hand to suppress the movement. In fact, it is a contradiction in terms, to suppose the existence of a legislative body, competent to reduce a standing army, in a Government upheld by such an army; and in point of fact, we know that there was no Government in Europe where such a legislature existed.

The evil then seemed remediless, most remediless at a moment when the remedy was nearest at hand. Were we called upon to single out and identify the most peculiar characteristic of the age, we should say that it is the extension of public opinion to the ranks of the army; the integration into the State of the military array, which had been set apart to watch, to overawe, and to govern the State; the transfusion into the breast of the soldier, of the feelings and sympathies of the citizen. Henceforth it is a most grave question, how far the army can be trusted by the Government, and in this doubt, the support, which the Government derived from the army, crumbles into dust. This is a new element, and perhaps the most important, in the actually existing system of Europe.

It is a state of things brought about by the rising of Europe against the despotism of Napoleon. This extraordinary man, his head turned with success, had too little consulted the national pride of the various countries, over which his victorious armies had extended his empire or his influence. When the tide of fortune began to turn against him, in the dreadful Russian campaign, the sovereigns of the continent rallied their subjects to the field, to join in the crusade against the foreign despot, and restore the independence of the subjugated or tributary States. The call was answered from one end of Europe to the other. Old and young, noble and peasant, men of all professions and trades, from the veteran to the school-boy, rushed to the field, to fight the battles of independence and the people. It is easy to see, that the spirit thus roused, was totally distinct from that of military subordination; and that when these patriotic legions

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came home from their victorious wars, they would come with a temper poorly fitting them to discharge the duties of a standing army. The armies of Europe have been thus infected with a noble contagion; enervated, not with the luxuries of Capua; corrupted, not by the spoils of Asiatic wars, but won over by the strong sympathy of civil duty. Their country has addressed them by the sacred name of citizens, and it has had as powerful an effect, as when it was pronounced by Cæsar; as powerful, but of the opposite character. When addressed as citizens by Cæsar, the soldiers were ashamed of their mutiny, and begged to be restored to their character as soldiers; when addressed as citizens by their neighbors, by their fellow-citizens, by their country, they are ashamed of their employment as the instruments of oppression, and beg to be restored to the character of patriots and men.

It is extremely doubtful, whether, at this moment, there are more than two Governments in Europe, who can rely upon their armies, perhaps not more than one. We refer to Austria and Russia. The gates of Constantinople were approached but two years ago, in consequence of the absolute impossibility of inducing the military chieftains in Turkey to defend the Government. The French troops at Paris deserted their officers by regiments, when the existence of the Government that paid them was at stake. The Belgian troops were not slow in following the example. The army of Poland, commanded by the brother of the emperor, a personal favorite with the soldiers, was the first to embrace the cause of the revolution. There are now five great armies in Europe, on whose temper and conduct the issue of events mainly depends. The English, the French, the Prussian, the Austrian, and the Russian. The Russian, and perhaps the Austrian, may be depended upon by their Governments to any extent; although Hungary, the strongest portion of the Austrian empire, the portion which furnishes the best part of the army, and particularly the cavalry, is penetrated with disaffection. They are a people having their own language, and their own nationality, amounting to eight or nine millions, proud of the recollections of their ancient independence, and impatient of the Austrian yoke. But their ancestors came into Europe to trample on the degenerate Romans, and it cannot be expected of the descendants of Attila and his army,—after a feud of fourteen centuries,—to be very tender of the rights of the Italians. The French army forms,

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in opposition to the Russian, the liberal extremity of the scale. No Government, not purely popular, could derive any support from it. The Prussian army is popular, with perhaps as much of the leaven of blind subordination, as the Austrian army has of revolution. No people in Europe was more thoroughly imbued with the patriotic fury of 1813 than the Prussian. None had been so sorely galled by the yoke of Napoleon; none rose with equal ardor to throw it off; and none has murmured so deeply at the failure of their king to establish a popular Constitution. These feelings pervade the army; but there is in the German armies generally, as in the German character, a loyalty, a spirit of subordination, and a habit of discipline, which would perhaps keep portions of it neutral in a war of opinion, and possibly induce it to fight the battles of the Government. But we are not certain, whether the Prussian army could be depended on, in a direct crusade against the Belgians or the Poles. The English army is happily dependent on the legislature for any disposition to be made of it, in a foreign war. In its actual composition, it is as thoroughly disciplined as any in Europe, and might probably be depended on, in a foreign war, as implicitly as a Russian or an Austrian army. But it is impossible to put it in motion without the sanction of Parliament. The point to which the Government can depend on it, to hold the people in check at home, is more questionable. It has never yet swerved from its fidelity; and although great pains are taken to withdraw the public attention from its agency, and the most superstitious care is had not to put the soldier in motion in direct contravention of law, yet it is a matter of notoriety, that nothing but a detachment of mounted troops, always at hand at every weak point, has kept the peace in England for the last half century. But the public mind in England has been, within a very short period, most powerfully influenced. The consciousness of physical strength has been portentously developed, on the part of the discontented. The last Quarterly Review unhesitatingly ascribes the policy of the Duke of Wellington, in respect to Catholic emancipation, and the panic of the aristocracy on the subject of Parliamentary reform, to the dread of physical force. We suppose the Duke of Wellington is not a man whose nerves are particularly subject to panic fear, and we cannot doubt that the opinion is widely prevalent in England, that it would not have been safe much longer to oppose these measures; in other words, that the army could not be trusted to support the Government.

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In this state of things, what is to prevent the people of England from meeting by their delegates in convention, to devise a general reform of the Constitution? The right to do so, has been, on the most solemn occasions, recognized as the birthright of Englishmen. Such a measure is familiar to them from our example; and the history of their own liberties dates from a similar convention of all those who, at that day, were allowed to have any rights,—the Barons at Runnymede. There is no doubt, that such a measure is in accordance with the spirit of the age, and with the temper of a large majority of the people of England; and if the troops could not be depended on to suppress the preliminary movements, required for such a convention, we see nothing to prevent its taking place.* And that some such course will be adopted, we have little doubt; we might almost say, that it is the general belief in England, that a radical change is impending in the Constitution of the country. It is conceded that the proposed measure of reform is forced upon the ministry, by the fears of popular convulsion. Of this measure, the Duke of Wellington, as the head of the last administration, has lately declared in the House of Lords, from the lights of an experience of forty-five years in the public service, that it will be fatal to the Constitution of the country; while Lord Grey, the responsible

* We beg leave to observe, that this article was written and sent to press, before the reception of the intelligence of the loss of Lord John Russell's bill, and the consequent dissolution of Parliament. In these and the subsequent events we find confirmation of the positions, which we have ventured to take. We cannot but remark on the extraordinary character of the King's message, and its tendency toward the adoption of the measure (a convention) alluded to in the text;—

'*My Lords and Gentlemen*,—I have come to meet you for the purpose of proroguing this Parliament, with a view to its immediate dissolution.

'I have been induced to resort to this measure *for the purpose of ascertaining the sense of my people*, in the only way in which it can be most conveniently and authentically expressed, for the purpose of making such changes in the representation as circumstances may appear to require, &c.'

It cannot escape the dullest apprehension, that a new Parliament, (by admission of the King's ministers) so far from being 'an authentic way of expressing the sense of the people,' expresses only the sense of the four or five hundred individuals, who nominate the majority of the House of Commons. There can be no authentic way of expressing the sense of the people, (in default of a popular representation) but that of a convention.

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author of the proposed plan, offers it as the least that would satisfy the public demand, and as a measure, which would content the people for a long time. It seems to us, that these are but two forms of expressing one and the same prevailing, undefined, and alarming idea, that the present Constitution of England cannot last.

We have already remarked, that we see no intrinsic difficulty in the adoption by England and the other countries in Europe, of a Constitution like ours; and we believe it will take place; with what ease and tranquillity on the one hand, or violence on the other, must depend upon the resistance of the party opposed to change. If the liberal party, as a class, are to undertake the business of reform, with halters round their necks, they will of course go desperately to work; and if they triumph, the blood of their adversaries will flow. But if, as appears to be the intention of the privileged orders at present, they allow the measures of amelioration proposed, to take a parliamentary course, although we are far from believing the plan now in agitation will content the people of England for a long time, yet we see no reason why it should be productive of any convulsions, either while it lasts, or in the transition to still more popular institutions. One thing is certain, the feudal system is worn out, and with it all the institutions that rested on it; so that the form cannot much longer be kept up. The state of the world requires a simpler action of Government; and despotism or liberty is the alternative. Hume has paradoxically said, that the English monarchy would find its Euthanasia in despotism. Hume certainly was never claimed for the liberal party; but it is not easy to imagine what ideas he could have had of the objects of any Government, that enabled him to view the degeneracy of the English system into a despotism, as an Euthanasy. But if despotism is to be its Euthanasia, we believe republicanism will be its resurrection. If it must die an absolute Government, it will revive a popular one.

The period and the progress of this change will be greatly dependent on the result of the present movements in Europe, of which, as we have ventured to express the hope, we have no doubt the final result will be favorable to the cause of liberty, although the most terrific fluctuations and vicissitudes of fortune may prolong the struggle for generations. But what are thirty, what are a hundred years, in the history of a move-

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ment, destined in all probability to create a new era in the world? It was just two generations from the commencement of the social war in Italy, which sealed the fate of the Roman republic, to the battle of Actium which established the empire.

We cannot in the meantime, but feel the peculiarly delicate position, in which our own country is placed. With a majority of the great European powers we stand in important relations. In the event of a maritime war, our neutrality will again be exposed to encroachment and violation. On the wisdom, talent, and patriotism of the Government of the United States it depends, to preserve the country in what may, without exaggeration, be called a crisis in the world's affairs. We could wish, that the part, to which the United States were summoned, might not be confined merely to that of a cold self-preservation. At this anxious moment in Europe, it would be gratifying to have our beloved country universally regarded as a city of refuge, to the victims of power, disaster, and chance. Such it has hitherto been; and it is no small consolation to us, amidst the untiring obloquy directed against our institutions, by the absolute party in Europe, that the United States are the region, to which the mind instinctively turns, in that quarter of the world, when some dreadful vicissitude overtakes what they call their permanent establishments.

But we ought to do more. It rests with us to make the popular system attractive and respectable. Our political errors will not only fall heavily upon ourselves, but they will, in the most exaggerated form, be held up to discountenance their imitation in Europe. We can in no way so much accelerate the political emancipation of the old world, as by showing mankind that liberty is a spirit of justice, law, morality, and intellectual improvement. At present the word revolution is a word of dread, made by the reign of terror in France, the abhorrence of mankind. Let us show to the world, that blood is not the natural cement of liberal institutions; that the arts of society flourish under their influence, and that man is not the worst enemy of his neighbor or himself.

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ART. VIII.—*Popular Sports and Festivals.*

The Sports and Pastimes of the People of England. By JOSEPH STRUTT. *A New Edition, with a Copious Index.* By WILLIAM HONE. London. 1830.

If Seged, emperor of Ethiopia, had thought fit to consult the poets before he set himself seriously at work to be happy, he might have spared himself seven days' useless labor. Those of England would have told him in plain terms, that his project came altogether too late in the day; for Goldsmith, one of the most trustworthy of their number, had seen the rural virtues embark for the purpose of leaving the country, and no intelligence had ever been received of their arrival elsewhere; while the poets of antiquity would have claimed the merit of promulgating the same doctrine some centuries earlier. He would have ascertained, in short, that the days of simplicity and innocence were all gone by; and that the traditional recollections of a golden age were not very likely to be realized in any thing present or to come. Nor are the poets the only persons who have been haunted by these melancholy visions. Orators have proclaimed, that the age of chivalry is gone; philosophers have exhausted their eloquence to induce mankind to cast away the arts of civilization, and return to the independence of the savage state; and even some political economists have reached the same conclusion by a different process; for if the danger of the overstocking of the earth with inhabitants be as imminent as they pretend, it is obvious, that the farther we retreat from their millennium of famine, the better.

Now, though most of these opinions are little better than mere heresies, we can all of us detect in ourselves a lurking disposition to believe in them; and the reason is, that we see them by a sort of candle-light, which makes them appear to greater advantage, than the broad clear light of noon. It is as hard to ascertain the latitude of the good old time on the chart of history, as to fix the precise compass of the memory of the oldest inhabitant; and this uncertainty produces the same effect, as that of distance upon the landscape. We think of past times with a feeling similar to that, with which we see the places which have been consecrated by some great event, or some act of generous self-devotion. Who is there that does not figure to himself with delight, the array of Can-

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terbury pilgrims issuing from the Court of the Tabard inn,—Queen Mab and Oberon leading the dances in the moon-light ring,—the proud bearing of the mailed knight, and the peerless charms of the lady of his love? It seems hard that truth should appear to read the charm backwards, and put to flight these truant fancies. We hardly admit our obligations to the sturdy chronicler, who reminds us, that all this belongs to a time of superstition and feudal bondage, and that there are higher accomplishments in the world, than the art of dealing hard blows. It is like waking from a delightful dream; and this is a dream more liable to such an interruption than any other. Mr. Irving has made the world in love with the innocent simplicity of old English manners; but a conscientious misgiving came over him, when he witnessed the battle which disfigured his May-day festival, and he reluctantly owned, that his swains were somewhat less Arcadian than he previously thought them. He touched, however, very lightly on the error, for the same reason which prevents him from undeceiving people in regard to a ghost story,—an unwillingness to disturb their comfort. Without adhering to this poetical faith, we are willing to believe, that the simplicity of old-fashioned manners was not without its charm; and that the sports and festivals of early times carried happiness to many humble hearts, to which what is now called comfort was wholly unknown. The habits generated by artificial modes of life are, in some respects, less propitious to many valuable qualities of heart, than the unpretending quietness of rural life;—the refinements of society, undoubtedly, repress the display of much honest warmth and sincerity of feeling; and if we look only at the disadvantages of our present condition, and select all that is attractive in the other, the world must appear to be losers by the exchange; but reason, to say nothing of political economy, will hardly admit the equity of this mode of comparison.

The elaborate work of Mr. Strutt was designed to give an account of the sports and pastimes of the people of England from the earliest period to the present time; and we trust it is unnecessary to say more in proof of its importance and value, than that it is the same which was constantly kept by Mr. Slingsby in his school-house near Bracebridge hall, in order to teach the boys to amuse themselves after the fashion of former times. Mr. Hone's contributions, which consist only of an index, do not add much to its substantial value; but he pro-

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poses to increase the stock of information upon the same subjects in a future publication; though we should have thought that his Every-day Book and Table Book must have drained its sources completely dry. We do not propose to enter largely into an investigation of the sports of children, on which this work is so full and satisfactory, as to entitle its author to the lasting veneration of every school-boy. He has completely redeemed the dignity of their frolics, by tracing them back to a remote, if not a classical origin, with as much zeal, though far less bigotry, than Dr. Scriblerus before him. It may be, that boys are too thoughtless to regard this as an enhancement of their merit; but it seriously affects their estimation in the eyes of men. An unreflecting person might be disposed to think lightly of the accomplishment of riding upon a stick; but his views are changed, when he learns that it was a favorite pastime of the boys in the time of Augustus; and who does not at once perceive its philosophic dignity, when he learns that it was occasionally practised by Socrates and Agesilaus? Ball-playing has always stood rather higher in the public estimation; but it becomes venerable, when we see the father of history ascribing its invention to the Lydians, and Homer representing it as the amusement of the Princess of Corcyra and her maidens. But there is one circumstance connected with these sports, which is worthy of attentive observation. It is the fidelity with which they have been transmitted from one youthful generation to another, with scarcely any change in their progress; there is nothing like it in the affairs of men. Learned persons have differed on the question, whether the *Chytrinda* of the Greeks was the same game with our Hot-cockles, or Frog-in-the-middle; Arbuthnot assures us, that it is idle to maintain that it corresponded to the former, and Mr. Strutt is ready to die in the belief, that it answered perfectly to the latter; our poor opinion is, that there is no very momentous difference between the three. Virgil borrowed a well-known simile from the top, and trundling the hoop is generally believed to have been a favorite amusement among the Greeks and Romans; but here another controversy has arisen; as it is confidently asserted, though without much apparent reason, by some critics, that the hoop and top of the ancients were one and the same thing. It was some scruple upon this point, which induced Dr. Scriblerus to prohibit his son Martinus from playing with either.

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Blind-man's buff, or Hood-man's blind, was played by the Greeks with a very slight variation from its present form; they were also extremely skilful in the accomplishment of hopping or sliding upon one leg. These are points upon which there is no dispute; and there is as little with respect to the Greek extraction of cross and pile, or what is known among us by the name of turning coppers, or the Roman origin of the game of odd and even. Augustus played in his youth with nuts in the same way as our boys with marbles. Aristophanes mentions the art of spinning chaffers; the Greek boys tied the string round the legs of the insect, while modern humanity attaches it by a crooked pin to the body. There are many sports, too, formerly in high repute, which would have perished from the earth, had they not been preserved by the young. The ball was originally used by the old and grave; afterwards, it became common to persons of all ages. Among the expenditures of Henry VII., there is an item of twelve-pence lost at tennis; and it has been thought worthy of commemoration, that St. Cuthbert acquired singular expertness at ball-playing in his boyhood. It is not known that the foot-ball was used by the ancients, though they sometimes played with a hand-ball, prepared in the same manner; but it was early adopted in England, where peas were sometimes inserted into it, to make the entertainment more musical. James I., who had an instinctive aversion to danger of all kinds, censured this amusement in strong terms, as involving peril of life and limb; but it was pursued on a large scale longer than most others, and the last we hear of it is in the song written by Sir Walter Scott in 1815, for the grand foot-ball match between the men of Ettrick and Yarrow. The quoit, though, if we may believe Dr. Johnson, it is not the *discus* of Homer's heroes, is plainly derived from it. Wrestling was once an art of no small importance. But civilization has crushed these sports and many others, like the car of Juggernaut; the attempts made to revive some of them under the appellation of gymnastics, have been attended with very transient success; the pious reverence of the young is all that rescues them from oblivion. We must, however, leave this attractive subject, in order to attend to the main business of our article; in which we propose to give some account of various observances, of which traces yet exist among us, as well as our materials will allow. Many of them have undergone such changes in

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the course of centuries, as the inventive genius of man is apt to produce in every work of his hands. The writers upon them are not very numerous, and, in endeavoring to trace their origin, have sometimes been reduced to as much perplexity as the tailors in fitting the posture-master, when they confessed with tears in their eyes, that the task was beyond the competency of mortal shears.

Most of these sports and festivals, as well as observances of every kind, may be traced far back into antiquity, when they were generally connected with some religious ceremony; and, as might be expected, nothing could exceed the fervency of the public devotion. Almost every day in the year was a holiday of one kind or another. The free citizens of Greece and Rome appear to have led a very idle, gentlemanly sort of life; leaving all the hard work to be done by slaves, the mass of whom was so great in the Eternal City, that the Senate did not dare to number them, while they swarmed in Attica as they now do in the island of Grenada. A similar system prevailed under the feudal despotism of modern Europe; the wants of life were few, and easily supplied; the year was spent in pastime, because men had not discovered that there was any thing better for a community to do; until civilization corrected the error, and bound labor and comfort together. It is easy to conceive the influence which early associations must have given to these observances over the popular mind; it was so great, that it was found impossible to cast them away on the introduction of a purer faith; the early Christians, hopeless of effecting this, labored to divest them of their impurities, and consecrated them with a solemn lustration to the worship of the true God. There are many festivals in the old Romish calendar, which the progress of industry has done away, and many others, which have been deprived, by the same cause, of all traces of their former splendor, even in the countries where they were once most carefully observed; and it is a curious instance of the tenacity with which men cling to their ancient customs, that any vestiges of them at all are to be discovered here. They must be wholly traditional, as there is every reason to believe, that due diligence was early used to extirpate them. The situation of our fathers was not particularly favorable to merriment; and had it been otherwise, they would still have objected to these festivals, partly on account of their origin, and partly from their memory of some former

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controversies. These controversies, which had been carried on for a long time previous to their emigration, respected the toleration of sports upon the Sabbath. They denounced, also, many other usages of a graver character, as heathenish and superstitious; though their success, as we shall have occasion to see, did not always correspond with their zeal and sincerity.

We do not know, that the vigil of the new year is at this time celebrated in England in any other way, than by ringing out the old year and ringing in the new; a practice of which some writers speak with satisfaction, as tending to revive many of their most delightful associations; but to those who have no such associations with it, we fear that music so unseasonable would excite other feelings than those of rapture. Formerly it was the custom for young girls to carry on that evening from door to door the wassail bowl of spiced ale, receiving presents in return for the courtesy; nor is it yet wholly laid aside. The term wassail, or *waes-hael*, was the phrase used by the Saxons in drinking to the health of others; so that the ceremony may be regarded as a formal method of expressing good wishes for the coming year. Neighbors were also in the habit of assembling in merry meetings, at which the recollection of all animosities was drowned in liberal draughts of the wassail; and saving the excess, the custom might probably be revived with advantage now. Here, the traces of all these observances, if they were ever known among us, appear to be wholly lost; while the faces of the gravest commonly brighten at the coming in of New Year's day,—the season of gifts and mutual congratulation,—when the most frugal are lavish of good wishes for the opening year; and it may be satisfactory to know, that all the ceremonies which we consider appropriate to the occasion, have been handed down to us from very remote antiquity; being coeval, as some say, with Romulus, and at all events, derived from ancient Rome. Prynne, in his Histrio-mastix, denounces the whole as 'a meere relique of Paganisme and Idolatry, derived from the heathen Romans' feast of two-faced Janus;' the Roman knights availed themselves of the occasion to make presents to Augustus; and an order of Tiberius is mentioned by Tacitus, prohibiting the giving or receiving of them at any other season. The ordinary congratulations were also liberally given, and the donation was of more value than it has been since; being universally regarded as an omen of good fortune. There was, however, one practice among

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the Romans, which has fallen into disuse as a part of the observance; that of artisans working a little on New Year's day, either as a pledge of industry in their callings, or to show their respect for the day, as a French traveller declares himself to have exhibited his regard for the customs of this country, by entering a church on the Sabbath and remaining there five minutes. January was also the season of the *Saturnalia*, which were celebrated with every possible demonstration of riot and extravagance. Among the rites observed in honor of the Father of the gods, was the fashion of putting on the skins of wild beasts, by way of masquerade; this was retained by the early Christians, who used on New Year's day to run about masked, to the infinite terror of women and children, until their merriment was suddenly checked by a fearful anathema of Pope Zecharias. In fact, the early fathers labored diligently to exterminate all observance of the season, either from abhorrence of its occasional excess, or because they had a natural dislike of the source from which it was derived. They denounced the practice of wishing others a happy new year, and of making presents as pledges of good fortune, with as much zeal as the Covenanters objected to that of manufacturing wind by the winnowing machine, instead of waiting for the usual dispensation; but the popular prejudice was in this instance stronger than the terror of the Church; and it is curious to remark how universal the celebration has become, and how slight has been the variation in the mode of observing it. The early Saxons, who appear to have been less prodigal in the way of amusement than their neighbors, were in the habit of reckoning their age by the number of New Years' feasts which they had witnessed; the Druids, on the same occasion, scraped the mistletoe from the oak with great solemnity, and distributed it as a charm among the people; and the Jews, some centuries ago, were in the habit of making splendid entertainments at the beginning of their year, at which each, as he partook, expressed the wish that the year might be propitious to every guest. It has also found its way into countries, where it is less easy to explain its origin; the people of China and Japan are said to observe it with as much pomp, and nearly in the same manner, as those of European countries; while the Persians celebrate the vernal equinox by a New Year's festival, and make mutual presents of colored eggs with great solemnity. The practice of making presents and

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of mutual congratulation on New Year's day, has been at all times duly regarded in England, though occasionally with some slight deviation from the ordinary mode. Matthew Paris records with indignation, that Henry III. was in the habit of impudently extorting rich presents on that day from the citizens of London. The worthy historian seems to forget, that these reluctant donors must have esteemed themselves remarkably fortunate, if they received no similar compliments on the other days of the year. In the time of Henry VIII. the custom was materially altered for the better. When his nobles sent him valuable presents, we learn that it was his humor to send something in requital of the obligation; though it does not appear that he made any acknowledgment of a New Year's present of Bishop Latimer, which consisted of a Bible with the leaf folded down at Hebrews xiii. 4. a passage in which pretty broad allusion is made to the king's private immorality. His son Edward VI. gave one year in this way, £155; a tolerable sum, considering the diminution since his time in the value of money. Queen Elizabeth's wardrobe was regularly supplied by contributions levied as New Year's presents, with somewhat more magnificence than the old song allows to that of King Stephen; every one gave something; twenty pounds were the allotted tribute of the highest temporal lord, and forty that of the highest of the lords spiritual; even officers of her household were not exempt from the obligation; we read, that her apothecary, among other things, gave her a pot of ginger candy, a more palatable donation than persons of that calling are in the habit of making; her butcher, a meat-knife with a dainty device; while Smyth, the dustman, not to be behind the rest, presented her majesty with two bolts of cambric. She conformed to the example of her father, so far as to make some return; but it is understood, that she was careful to keep the balance on her own side. After the reign of James I. we hear no more of this custom. We ought not to forget to mention, that towards the close of the fifteenth century, pins, which began to be esteemed by the ladies as more convenient than skewers, were an approved New Year's present, as were also rings, gilt nutmegs, and oranges stuck with cloves. Gloves were sometimes used for the same purpose; a pair containing forty angels, were sent by a lady to the Chancellor Sir Thomas More, as an acknowledgment for a decree in her favor; he intimated his willingness to keep the present, sending back the

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lining. These gifts, and indeed the whole observance of the day, were objected to by the Puritans, as heathenish and superstitious in themselves, besides being extremely disreputable in their origin. We have already quoted the testimony of Prynne upon this subject, which is only an expression of the sentiments of the rest; but their censures were as ineffectual as were those of the early fathers. The rites of the occasion were still observed, though probably with more moderation than before, as we do not perceive that they are now at all objectionable on the score of morality. Annuals have nearly supplanted other presents, except in Paris, where the arts of the confectioner are largely put in requisition for the purpose of providing them; but the best part of the good old custom remains unchanged,—the expression of kind wishes for the happiness of those around us in the passing year.

It is painful to witness the distress of antiquaries, in attempting to explain the origin of the custom of sending persons on *sleeveless* or fool's errands on the first of April, which is generally known by the name of All Fools Day. These learned persons appear to have at length given up the task in utter despair; not, however, until they had practised the ceremonies of the day with signal success upon their readers. One of them traces the custom to the games instituted by Romulus in order to inveigle the Sabine women, which he supposes to have been established at this season of the year; another derives it from the burlesque election of Church dignitaries, and the strange pageant of which Scott has given a vivid description in the Abbot; while a third, soaring higher into antiquity than either of the others, attributes it to the mistake of Noah, in sending the dove from the ark before the waters had subsided, on the first day of the Hebrew month, which corresponds to April. These explanations can hardly be deemed very satisfactory; but they serve to show the difficulty of finding a rational one, as they would not be likely to be proposed, except in the absence of better. Mr. Brand found in an old Romish calendar a feast of old fools, which was there expressly stated to have been removed from some other day of the year to the first of November; he supposes the word 'all' to be a mere alteration of the northern word 'auld;' and whatever the young may think of it, there is no reason to believe that aged persons of this description would be so tenacious of their festival, as not to acquiesce in such a change without

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repining; but the calendar gives no reason to believe, that the first of November was substituted for the first of April; so that the theory, however plausible, is still liable to some objections. Another account is given by Maurice in his Indian Antiquities, which like the rest, is founded wholly on conjecture. He believes that the first of April, being, according to the old style, very near the beginning of the year, was formerly considered as the season of rural sports and the pleasures of Spring; and that the custom in question is merely a relic of the sports which were common on that occasion. He traces the Huli festival among the Hindoos, which is observed by all classes in precisely the same manner as All Fools Day, to an ancient practice of celebrating the recurrence of the vernal equinox. Without troubling our readers with any more attempts to explain the origin of a custom, whose pretensions to dignity are derived solely from its antiquity, we may remark, that there are few for which men appear to have entertained a more tender regard; it seems to have been every where observed in one form or another. Fools are made in Sweden on the first of April; there prevails in Scotland a long established practice of 'hunting the gowk'; and there is a similar one in Lisbon on the Sunday and Monday preceding Lent. The name '*Poisson d'Avril*,' or April Fish, which was applied to Napoleon on his marriage to Maria Louisa, because it took place on the first of that month, is used by the French in the same manner as our 'April Fool'; but its etymology is entirely unknown. We find many allusions to the custom in the English poets of the last century; it is also mentioned in the Spectator; but it is not in the power of genius to render it either dignified or poetical. The early English writers have not, so far as we know, noticed it at all. Among us, it can hardly be said to be retained, except as an amusement of the young.

We are naturally not unwilling to turn from this festival, if festival it can be called, to one whose return was hailed with universal welcome on the first of May. This was regarded as the boundary, which separated the reign of winter from the season of fruits and flowers; and the heart appears every where to have expanded under its sweet influences. The returning splendor of summer was celebrated by the northern nations with rustic feasts and dances; among the Goths and southern Swedes it was honored by a mock battle between the

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seasons, in which the forces of winter were sure to be put to flight; and the moon of May was poetically styled by the Indians of this continent the moon of flowers. Our English ancestors observed the first of May as the period of a great rural festival, which nature herself assisted to celebrate, by displaying on this occasion the earliest verdure of the purple year; but it should be remembered, that it did not formerly occur at precisely the same time that it does now; the alteration of the style in the middle of the last century has unluckily carried it nearer by a fortnight to the dominions of winter. Lovibond's 'Tears of Old May-day' was written to express his mournful foreboding of the consequences of the change. It has been stated, we know not on what authority, that the ancient Britons were wont to hold anniversary meetings on the first of May, at which they canvassed the conduct of their kings and rulers, and continued them in office or deposed them according to their demeanor during the preceding year; and that the day continued to be observed by their descendants as a festival, long after the doctrine of divine right had destroyed all memory of the good old republican custom; but there is every reason to believe, that the origin of the rites of May-day was earlier and more classical than this. They are more probably derived from the *Floralia*, games instituted by the Romans in honor of Flora, the presiding deity of fruits and flowers; though we grieve to say, that these orgies more closely resembled those of St. Bartholomew's fair, than the simple expression of gratitude and happiness, which the season was naturally fitted to inspire. When they descended to the early Christians, they assumed a purer and more attractive form; nothing of the heathen custom being retained, but the gathering of flowers and branches, which were brought home to decorate the doors and windows of their houses. For centuries afterwards, they appear to have undergone little change. There is scarcely an English poet, who does not dwell with pleasure upon these simple customs; many have given us descriptions of the May-day festival; but that of worthy old Stow is by far the most poetical of all. 'On May-day in the morning,' says he, 'every man, except impediment, would walke into the sweete meadows and greene woods, there to rejoice their spirits with the beauty and savour of sweete flowers, and with the harmony of birds praysing God in their kind.' In Chaucer's Court of Love, the court are represented as going forth early on May

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morning, 'to fetch the flouris fresh, and branch, and blome.' Spenser gives the following animated description of the same ceremony:

> 'Then to the greene-wood they speeden them all,
> To fetchen home May with their musicall:
> And home they bringen, in a royall throne,
> Crowned as king; and his queen attone
> Was Lady Flora, on whom did attend
> A faire flock of faeries, and a fresh bend
> Of lovely nymphs. Oh that I were there
> To helpen the ladies their May-bush beare!'

It was an ancient practice for large companies of persons of all ages to rise a little after midnight on May-day, and march forth with music to the wood, where they gathered branches of trees and flowers, which they brought home in triumph, and placed in the doors and windows of their houses. Henry VIII. and his queen were wont to go forth early with bows and arrows to the forest, to bring home the May; and the same custom was observed by the court, so lately as the reign of James I. We do not wonder, that Shakspeare in his Midsummer-Night's Dream, has spoken of the difficulty of sleeping on May-morning; it must have been pretty serious at Oxford, when the boys were accustomed to blow hollow canes and cow-horns all night. But the music in general was more appropriate to the occasion; though it appears to have been boisterous enough to remind us of the penalty which we pay for freedom on the morning of the fourth of July.

The May-pole, or *Mai*, as it is called in France, was sometimes permitted to stand through the year, like that which Mr. Irving saw with so much pleasure on the banks of the Dee. Most commonly, it was erected for the occasion; being brought home early from the wood, gorgeously painted and covered with garlands, and accompanied by the multitude marching in solemn procession to the sound of music. Its top was decorated with banners and streamers; arbors and bowers were prepared in the vicinity of the place where it was erected, and the rest of the day was spent in dancing round it, and in every other species of rustic revelry. The sport was not confined to the country; the citizens of London were accustomed to erect their May-poles in various parts of the city, where, as a Puritan writer remarks, they 'felle to leape and daunce round about them, as the heathen people did at the dedication of their

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idols, whereof this is the perfect patterne, or rather the thyng itself.' The Puritans denounced this celebration, not merely because they considered it a relic of idolatry, but because it was tolerated on the Sabbath day; nor does it appear that their hostility to it was without effect; for in the time of Edward VI. the people were so wrought upon by a sermon of one of them, that they seized a huge old May-pole, which had been quietly lying for years in one of the streets of London, and made a bonfire of it. Somewhat later, another of their writers was induced to write a book upon the subject, because he saw 'that even in Cheapside itself the rude rabble had set up this ensign of prophaneness, and had put the Lord-Mayor to the trouble of seeing it pulled down.' For many years afterwards, the luckless May-pole alternately sunk and rose like the banner of Lord Marmion at Flodden. King James I. and his successor, probably in defiance of the Puritans, ordained that the people should be at liberty to set them up and dance round them on the Sabbath, as well as to pursue all other recreations, not expressly prohibited by law; but the Long Parliament levelled a serious blow at 'alle and singular May-poles,' by inflicting a penalty upon civil officers, proportioned to the length of time they should suffer them to stand. Not long after this, royal Government and the May-poles were restored together; and the prodigious May-pole which Pope mentions as having 'once o'erlooked the Strand,' was raised with great ceremony under the royal auspices. It is recorded 'that it highly pleased his majesty, and the illustrious Prince Duke of York; little children did much rejoice, and antient people did clap their hands, saying, golden days began to appear.' We are told that Dr. Parr was accustomed to dance round the May-pole, which was erected opposite his residence at Hatton. One would think that the admiration of the people at this exhibition, would have been expressed in much the same manner with that just mentioned.

We cannot omit to mention the Morris dancers, those ancient favorites of merry England, who were the charm of many festivals, but were animated to the highest efforts of their art on this. History has not been just to the memory of these popular idols; she has left us in the dark, not only in regard to their number, but as respects the origin of their art itself. They appear to have performed a Moorish dance, introduced early into England, with alterations to adapt it to the prevailing taste,

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which still survives in Spain under the appellation of *fandango*. It had been usual from an early period to elect a King and Queen, or Lord and Lady of the May; and popular tradition was subsequently resorted to, to increase the splendor of the May-day festival, and Robin Hood and his merry companions re-appeared in the Morris dance. The bold outlaw himself was honored with the title of King of the May; Matilda, the lady of his love, better known by her assumed name of Maid Marian, was the acknowledged Queen; while the other characters of the dance were Friar Tuck, in whom our readers may recognise the Holy Clerk of Copmanhurst, the Fool, whose public functions have of late fallen into disrepute, Tom the piper, a general representative of the followers of the Joyous Science, the Hobby-horse, who edified the people by his ambles under the disguise denoted by his name, and Stokesley, Scarlet, and Little John, the inseparable companions of Robin Hood. The Dragon was sometimes, though more rarely, of the company; in fact, all these characters were not uniformly included in the dance; but Maid Marian, with her crown of gold, purple coif, red surcoat, blue cuffs, yellow skirts, carnation sleeves, red stomacher, and yellow lace in cross bars, was always conspicuous in the ceremony, and usually saluted as Queen of the May; a distinction fairly earned by the exhibition of so much splendor. Mr. Douce, in his Illustrations of Shakspeare and of ancient manners, inclines to the opinion, that the royal office, upon this occasion, was elective; and that Robin Hood and his companions were not essentially of the number of the Morris dancers. His opinion derives some confirmation from a remark of the wife of Robert Bruce in her adversity, that they should thenceforth be of no more account than the Kings and Queens who led the dances round the village May-pole; for she would hardly have thought of levelling her fortunes to the standard of those of Maid Marian, and it will be perceived, from the account we have already given, that the remark would have lost much of its pathos in such an application. But such a fall would have hardly been greater than that which afterwards befel Maid Marian herself; in the time of Queen Elizabeth she was so degraded from her high estate, that her part was personated by rude clowns, and her name converted into an epithet of ridicule and reproach. Before this time, the pageant was so alluring, that its expense was defrayed by the various parishes. The records of one of them which yet

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remain, give an example of this, which hardly justifies the notion, that the trappings of royalty would defray the whole expenditure of a republic; as in the reign of Henry VII., eightpence were appropriated for a gown for the lady, and a shilling for her privy purse; while some years afterwards, the spunging and brushing of 'Robin-Hode's cotys' came to no more than two-pence. When the Puritans made war upon this pageant, it had probably degenerated into a boisterous farce. With some labor, though gradually, they accomplished their purpose; for though King James's Book of Sports recognised Maid Marian and the Hobby-horse, without regard to the claims of Robin and Friar Tuck, the Long Parliament did not hesitate to demolish the whole. The ancient importance of Robin Hood is shown by a sermon of Bishop Latimer, in which he observes, that he once sent word into a town over night, that he would preach there the next morning; but upon going at the hour appointed, with the expectation of seeing a large audience collected, he found the church-door locked. 'I tarryed there,' says he, 'halfe an houre and more; at last the key was found, and one of the parish comes to me, and sayes; "Syr, this is a busy day with us, we cannot heare you; this is Robin Hoode's day; the parish is gone abroad to gather for Robin Hoode. I pray you let them not." I was fayne therefore to give place to Robin Hoode. I thought my rochet should have been regarded, though I were not; but it would not serve, but was fayne to give place to Robin Hoode's men.' The only recent account of Morris dancers in England, is contained in a note to Reed's edition of Shakspeare, which states, that they are yet occasionally seen on May-day, and that the Hobby-Horse still figures by the side of the Lord and Lady, the modern representatives of Robin Hood and Maid Marian.

The alteration of the style, as we have already said, has rendered the beginning of May less propitious to the observance of the customary rites than before; but with us, the power of tradition may be seen in the interest with which many look forward to the return of that season, though there is little left to remind us of the ancient ceremonies of the day. In fact, the few flowers which are then to be gathered are not always a sufficient indemnity for the united perils of east-wind and cold; yet when we remember that bathing the face in May-dew is an infallible specific to give and preserve beauty, it is rather singular, that so few are found, who are willing to en-

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counter them. The ladies of a century ago did not hesitate for trifles. We find the following entry in Secretary Pepys's diary: 'My wife away down with Jane and W. Hewer to Woolwich, in order to a little ayre, and to lie there to-night, and so to gather May-dew to-morrow morning, which Mrs. Turner has told her is the only thing in the world to wash her face with; and I am contented with it.' Few vestiges of the old mode of celebration remain in Europe. Miss Edgeworth gives us reason to believe, that the children in the English villages are yet in the habit of electing a Queen of the May; and in the Isle of Man, a remnant of the old custom is preserved in a mock battle between the troops of two persons, dressed so as to represent summer and winter; but in general, the whole observance has fallen sadly into decay. The chimney-sweepers of London, however, as if in scorn, still choose a King and Queen of the May, and dance to the music of a solitary fiddle.

Before the revolutionary war, it was customary to celebrate the fifth of November, or the anniversary of what was called the 'Gunpowder Plot.' The custom was borrowed from England, where Guy Fawkes, who seems to have received rather more than his share of popular honor, was the hero of the occasion; his effigy, with a dark lantern in one hand, and a bundle of matches in the other, being borne round in solemn procession during the day, to the music of an appropriate song, and burnt with great pomp in the evening. The practice is not yet wholly forgotten by the boys of London; though the police of that city regularly threaten both the usage, and the lawless youth who pursue it, with a fate not unlike that which Guy himself intended for the Parliament. When it came to this country, it seems to have received a material improvement by the addition of certain ceremonies, which in England were appropriated to the seventeenth of November, the anniversary of Queen Elizabeth's accession; when the effigies of the Devil and the Pope were regularly carried about and burnt in the same manner as Guy Fawkes, until, in the time of Queen Anne, that of the Pretender was added to the group. Here they were united on the fifth of November; and it was not unusual for various parties to have their separate Popes, who were used as standards to animate them to battle, as were the Guys in the mother country. There was nothing very romantic in the celebration, and the hereditary prejudice against the Catholic faith alone

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would have induced the community to tolerate it so long; for it seems to have been tolerated, though it was at best nothing more than a rude amusement of young men and boys. The whole was laid aside prior to our Revolution, when this prejudice had in a great degree subsided, and the memory of the Pretender began to be looked upon with a more favorable eye.

So much has been written of late concerning the mode of observing Christmas, that we shall only allude to that part of it which is retained here, the decoration of churches and houses with evergreens. Like the rest of our customs, this, though there is nothing very heathenish in it, is borrowed from the heathens, who adorned their temples and houses in the same manner at the winter solstice. The Druids had a curious reason for the same usage; they considered these ornaments as a refuge for the sylvan spirits, until the return of a milder season should permit them to resort to their usual habitations. Some of the early councils made it the subject of a prohibitory edict, but without much effect; as it prevailed universally in England very early, and was never omitted among the Christmas ceremonies. Every plant which remained green through the winter was considered appropriate to the occasion, except the mistletoe, which was regarded with aversion, from the use which had been formerly made of it in the Druidical festivals; laurel, ivy, holly, and occasionally cypress and yew, were the most approved.

These observances are the only old ones, which appear to be very generally remembered in this country; but, in the absence of others, we have two of our own institution, which it were superfluous to describe;—the day appointed for Thanksgiving in autumn, by no means wanting in pleasing associations for the people of New England, and the Fourth of July, which has worthily taken the place of St. Ulric's festival, the patron saint of fish. With these exceptions, our festivals are occasional, and somewhat rare; but if they have no claims on the score of antiquity, the manner in which they are celebrated, setting aside the public dinner, which, in its present form, may be looked upon as one of the great achievements of modern invention, is in tolerable conformity with ancient usage, so far, at least, as it affects the eye and ear. The merit of introducing bell-ringing, bonfires, and illuminations, rightfully belongs to our ancestors; the art of public rejoicing has improved little during the last century in point of brilliancy or vociferation.

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We look upon the bell as one of the earliest, as well as most popular of our musical instruments. The Romans are understood to have used small ones in their baths and places of business; but the honor of inventing the large church-bell is generally ascribed to no less a personage than the Bishop of Nola, who may be emphatically said to have flourished in the fifth century. The praise of this venerable ecclesiastic was soon in all the churches; the bells, when first set up, were solemnly consecrated by the clergy, with a ceremony which was generally called baptism; but which they explained to be nothing more than a benediction accompanied with the conferring of a name, by which they were always distinguished afterwards. This ceremony implied that they were supposed to possess some important virtues; and it is certain, that many properties were ascribed to them of a very remarkable nature. All evil spirits were understood to entertain an insurmountable aversion to their music; we learn from Wynkyn de Worde, that it threw the fiends into such perplexity, that a single flourish would cause them to decamp with amazing expedition. They were regularly rung during the continuance of high winds and thunder-storms, which were believed to be produced by malignant demons; and as they continued to ring so long as these phenomena lasted, it is not surprising that they should have received the credit of putting an end to them. This practice was not forgotten so late as the middle of the last century. Another property attributed to them, was that of clearing the air during the prevalence of epidemic disorders. It is not improbable, that their virtue was believed to be proportioned to their size; as we hear of an old bell at Canterbury, which took twenty-four men to ring it, and another which required thirty-two; both of these seem to have been modelled after the seven bells of Pekin, which Father Lecomte assures us, weighed upwards of fifty tons each. But the most remarkable of all their properties was that of locomotion;—it was thought necessary, whenever a bell was removed, to secure it with a rope or chain, and to ring it regularly every evening, in order to prevent it from returning to its old place of residence. In England, the passion for bells prevailed very early; St. Dunstan presented several to Malmesbury Abbey; the Abbot of Croyland, in the time of King Edgar, made six bells, which were named after distinguished personages, and such a concert, adds the historian, was never before heard in

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the land. A very old English picture represents King David striking with two hammers on several little bells, instead of his harp. Heutzner describes the English at the close of the sixteenth century, as 'vastly fond of great noises that fill the eare, such as the firing of cannon, beating of drums, and the ringing of bells; so that it is common for a number of them that have got a glasse in their heads to get up into some belfry and ringe the bells for hours together for the sake of exercise.' He does not appear to be aware, that the art of ringing was an important accomplishment; it was not uncommon for eminent persons to pique themselves upon their skill. Ringing a single bell was the work of a novice, who gradually advanced in proficiency to a peal of *grandsires* upon five; the perfection of the art consisting in accomplishing a *bob-maximus* upon twelve. The practice of ringing upon occasions of public rejoicing is derived from an early usage of the Catholics, who thus gave notice of the arrival of a church dignitary within their jurisdiction; and it was regarded as a high offence in a priest, if he suffered the bells to be silent whenever such an event occurred. A similar compliment was paid to distinguished persons on passing through English villages. The people, as if distrusting their own ability to make sufficiently audible demonstrations of satisfaction, have been for centuries in the habit of calling the church-bells to their assistance.

Bonfires are a much more ancient mode of rejoicing; there is much less doubt in regard to their antiquity, than as respects the origin of the name. Fire, as is well known, was liberally used in the worship of several of the pagan deities, particularly Baal; and similar rites in honor of the sun and fire, are said to have been observed in some parts of Ireland half a century ago. Apollo was also worshipped by an attempt to imitate his own light. All the Gothic tribes were accustomed to kindle large fires on the tops of hills at the summer solstice, in honor of the same luminary, and to pursue all kinds of amusement around them; and a similar usage made a part of the great festivals of the Druids. The Christians adopted it, and used it on various occasions, but principally on Midsummer-eve, the same season to which it had been appropriated before; when the various ceremonies of the vigil of St. John were practised by the light of what they were the first to call bonfires. This was the most brilliant of all the old English festivals; the fires were kindled

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early in the evening in every village, and in the streets of the cities; young girls stole forth at midnight to gather the St. John's-wort, in order to penetrate one, at least, of the important secrets of futurity, while the bold adventured to gather the magical fern-seed, in defiance of evil spirits, who guarded it from violation; the midsummer watch was set with all possible splendor; and the houses were decorated with the salutary fennel, orpin, and birch. It may serve to reconcile our youth to the modern uses of this last valuable plant, to know that it has long been regarded as possessed of magic powers. The fires used on this occasion had an apology which ours have not; being used partly for the purpose of purifying the atmosphere from the infection produced by the myriads of evil spirits, who were accustomed to convert the evening into a festival of their own; and hence the name of *bon*, or good fire, according to some; while others are disposed to change the orthography, and adopt the explanation given by an old homily, which declares, that 'in worship of Saint Johan the people waked at home and made three manner of fyres, one was clene bones and noo woode, and that is called a bone fyre.' These were, undoubtedly, the prototypes of our modern bonfires; and we may, probably, trace the practice of illumination to the setting of the watch on Midsummer-eve, to which allusion has just been made. The marching watch, or those who paraded the streets, were furnished with cressets, or huge lanterns fixed to the end of poles and carried on the shoulder; and lamps of glass suspended on curiously wrought branches of iron, were placed before the doors of the wealthy citizens upon this and some other festivals. The illumination of windows was naturally delayed until glass windows became common, a period long subsequent to the Reformation; but it seems to have been no where carried to so high a degree of perfection as in Italy. Fireworks are scarcely heard of before the reign of Henry VIII.; when some rude ones were exhibited on the Thames at the coronation of Anne Boleyn. Those of Kenilworth have been duly commemorated by the animated pen of Master Laneham; and when Queen Elizabeth visited the Earl of Hertford at Elvetham, she was gratified by similar exhibitions. In the time of James I. the fireworks, though highly applauded by the writers of the time, consisted only of wheels, fire-trees and rockets, or squibs and crackers attached

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to a pole, with which men combatted pasteboard dragons 'vomitting of fire like verie furies;' in all respects inferior to the fire-works of the present day.

Our funeral customs have uniformly been few and simple; equally removed from state and ceremony on the one hand, and ridiculous affectation on the other. They are in general such as our fathers left them; who thought it unbecoming and vain to attempt to add to the force and impressiveness of things spiritual, by appealing through the senses to the heart. These sentiments sprung not unnaturally from their situation and character. They felt the presence of the Divinity in the humblest place where pardon could be asked for sin; and nothing of human state, or ornament, or decoration, could have added to the dignity and power of such a conviction. So when the spirit had deserted the remains of perishing nature, they regarded it as a mockery to lavish honors upon the body as it was committed to the dust. There are many who maintain, that these are not the sentiments which nature teaches; that the fires of all intense feeling, like those of the altar, must be first kindled by human hands. We do not pretend to say, which of these opinions accords best with what we know of our nature; we simply state the reason, why some of the funeral ceremonies, which are elsewhere looked upon as the most affecting, are known hardly by tradition to us. Nor are the few which we retain, original; like most others, they are borrowed from the mother country. We do not know, that the tolling of the passing, or soul bell, as it was sometimes called, at the hour of death, is at this time practised in any of our towns; though several years ago, it was retained in some which adhered to the usages of the English church. It survived in England, long after the superstitious ideas formerly connected with it had been entirely forgotten; and appears to have been coeval with the earliest introduction of the church-bell. It is related by Bede, that when the Abbess of St. Hilda was at the last extremity, a sister of a very distant monastery heard at midnight the well-known bell, which summoned the religious to pray for the dying. This was one of the purposes for which the passing bell was tolled; but it was also designed to warn the priest to perform the last offices enjoined by the Catholic ritual; and it is mentioned by a very old writer upon the subject of religious ceremonies, as the trumpet of the church militant, intended,

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according to a superstition which we have already mentioned, to drive away the evil spirits which were waiting at the bedside of the dying, as well as to invoke the prayers of all good Christians for the parting soul. In the English Church, it was preserved as an ancient custom, founded on no good reason and strongly objected to by many of its members, on account of the alarm excited by its peal at midnight. Tolling when the body was borne to the grave is quite as ancient, and has undergone little variation, except that its duration was formerly proportioned to the age and sex of the deceased. It was the custom of the heathens, as it has since been of all Christians, to accompany the corpse to the place of interment in solemn procession; in England, this has sometimes been done to the music of a simple hymn, the effect of which is described by some writers as extremely solemn and affecting; a more common usage was to carry evergreens in the hands, which were deposited in the grave. Allusion is made in an old tragedy to the custom of crowning the sepulchre

'with olive, myrrh, and bayes,
The plants of Peace, of Sorrow, Victorie.'

These were intended as emblems of the soul's immortality; the bay, in particular, was considered one of the most striking, because it would revive, when seemingly dead, from the root, and resume its wonted verdure. The funeral sermon, or oration, was known in ancient times; it was less common in Rome than in Greece, where it was frequently delivered in memory of the eminent, or those who had fallen in battle. Some fine specimens are still extant, in discourses of the fathers of the Christian church in remembrance of the martyrs. The position of the body in the grave is derived, obviously without intention, from the usages of the Catholic and English churches. Any individual travelling through New England will perceive, that it is commonly laid with the head towards the West. Durand, a very old writer upon the ceremonies of the Catholic Church, in treating of the burial of the dead, observes, that they were laid with the feet toward the East, and the head toward the West; in which posture they were in readiness to hasten from the setting to the rising sun; from time to eternity. A different direction, that of North and South, was regarded as dishonorable, and a mark of guilt or disgrace. In Martin's Month's Mind, published in 1589, where

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an account is given of the funeral of Martin Mar-prelate, it is observed, that 'he would not be laid East and West (for he went ever against the haire) but North and South; and in Cymbeline, Guiderius is represented as saying over the lifeless body of Imogen, 'Nay, Cadwal, we must lay his head to the East; my father has a reason for't. It is recorded of the antiquary Hearne, that he left injunctions to have his grave made East and West, according to the compass. Bede insists, that such was the position of our Saviour in the tomb; Sir Thomas Browne speaks of it as the one uniformly adopted in England; 'we decline,' says he, 'the religious consideration, but, to avoid confusion, have adopted the Athenian custom;' the same which we have described. In early times, and in some countries at the present day, the last and most touching tribute of affection was paid, by fondly strewing flowers on the grave. Virgil refers to this simple custom, in his lines on the death of Marcellus; the English poets are full of allusions to it. Sweet-scented flowers only were considered proper for this purpose; but nettles and other dishonorable plants were sometimes thrown in scorn, or planted upon the grave of an enemy; and garlands, generally composed of artificial flowers, were suspended in the churches in memory of friends. We have nothing to remind us that such a custom was ever known abroad, except the descriptions given of it by travellers and writers. That of erecting stones at the grave, inscribed with the name and character of the deceased, has descended to us from very remote antiquity.

We now turn to the appropriate conclusion of the drama; but the simplicity of our ancestors is plainly seen at this day in that of the marriage ceremony, wherever their mode of religious worship prevails. When they came to this country, they brought with them a very unfavorable recollection of the ecclesiastical jurisdiction they had left behind; and it was this which induced them to render the marriage contract so exclusively civil, that clergymen were not even allowed to perform the nuptial ceremony, until the introduction of the provincial charter. It was previously performed by civil officers, as it may be now. In depriving the ceremony of its religious character, they put an end to many customs, which had once been connected with it; we know not, indeed, that they retained any; the few which remain may have been imported more recently; but however this may be, they are most of

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them very ancient. The wedding or bride-cake, is a signal improvement upon a part of the old Roman ceremony of confarreation, or a verbal marriage contract, executed in the presence of ten witnesses, on which occasion the bride and bridegroom partook of a cake composed of flour, salt, and oil. In England, it has always been composed of a more luxurious assortment of ingredients; in some instances it was broken at the altar over the head of the bride, and the fragments made the subject of a general scramble; but most commonly, pieces of it were passed nine times through the wedding ring, as a charm to enable the young to ascertain in dreams how soon a similar fortune awaited them. The wedding ring was anciently regarded as a pledge of faith, and was worn by the Greeks and Romans upon the third finger of the left hand, because a small artery was believed to establish an intimate connexion between that finger and the heart; though a less sentimental reason is assigned for this usage by some, who pronounce this finger better calculated than the rest to preserve the ring from injury, because it is the only one which cannot be extended alone. Among the Northern nations, a knot, as well as a ring, was a symbol of plighted faith; hence the top-knots or bridal favors, which were once distributed in great profusion at weddings, and worn in the hat for some weeks afterwards. The Anglo-Saxons appointed bride-maids and bride-groom's men to accompany the parties to the church; but the old English custom appears to have been to put the bridegroom under the protection of the bride-maids for the same purpose, while the bride-knights, as they were called, accompanied the bride. Those who attended her to the church were bachelors; but she was expected to return under the more experienced escort of married men. In the time of Henry VIII. it was usual for one of them to precede her, bearing a vessel of silver or gold; and flowers, of which rosemary, primroses, maiden's blushes and violets were esteemed most appropriate, were liberally strewed before her. A morose old writer, probably a bachelor, states, that 'she takes it by tradition from her gossips, that she must weepe shoures upon her marriage day;' and more than intimates, that artificial means were used to extract the tears, which the heart had no disposition to bestow. It is asserted by another, that 'in some countries, the bride was crowned by the matrons with a garland of prickles and delivered to her husband, that hee might know hee hath tyed himself to a thorny pleasure;' but the

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reason assigned may be nothing more than the suggestion of his own experience. After the ceremony, the day was commonly devoted to sport and feasting. There was a custom among the Anglo-Saxons, which, fifty years ago, was in remarkable preservation here; the youth amused themselves with dancing, while 'the ancient sate down to a drinking-bout, in which they highly delighted.' The game of quintain was once fashionable in England upon this occasion. A horizontal bar was attached to a perpendicular one, and turned freely upon a pivot in the centre; on one end of it was placed a target, and at the other a bag of sand; the assailant on horseback, rode full at the target with his lance, and 'the speciality of the sport,' according to Master Laneham, 'was to see how some for his slacknesse had a good bob with the bag, and some for his haste to topple downright, and come tumbling to the post.' A country bridal was one of the sports exhibited for the amusement of Queen Elizabeth at Kenilworth. It would be an endless task, however, to give an account of the wedding customs of different countries; perhaps the strangest of all is one described by Park in his travels in Africa; he was awakened at midnight to receive a present from a bride, which consisted of a well-filled bowl dashed directly in his face, and which he was somewhat at a loss to know in what manner to receive, until informed that it was a mark of particular favor. The wedding serenade was known, in rather a rude form, two centuries ago. Misson, an old traveller in England, after describing the nuptial ceremony, adds; 'If the drums and fiddles have notice of it, they are sure to be with them, making a horrible racket, till they have got the pence;' and a vivid idea of this compliment may be formed, by examining one of Hogarth's pictures of the Industrious and Idle Apprentice.

We have thus attempted, in a very imperfect and cursory manner, to illustrate some of those festivals and customs which have come down to us, like mutilated fragments of antiquity. Our limits will not permit us even to allude to a vast number of them; they would hardly be sufficient for the full description of any one. The subject may not be generally regarded as entitled to much consideration, and the attention may doubtless be directed to many of a graver and more imposing character; but in the relation which it bears to the investigation of ancient manners and modes of life, it is at least as valuable as most other subjects of antiquarian inquiry.

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ART. IX.—*Harvard University.*

Letter to Governor Lincoln in Relation to Harvard University. By F. C. GRAY. *Second Edition, with an Appendix.* Boston. Carter, Hendee & Babcock. 1831.

The author of this pamphlet, who is a member of the Corporation of Harvard College, has undertaken to defend that institution against certain charges which have lately been made upon it in the newspapers. The work is written with great ability, candor, and vivacity, and has been, we believe, very generally satisfactory to unprejudiced readers. Of the charges alluded to, the most important is that of *sectarianism* in religion; and the reply to it occupies a pretty large portion of Mr. Gray's pages. We cannot, however, follow him in this discussion, which is too closely connected with the theological controversies of the day, to suit the purposes of this journal. The two points, to which we shall chiefly direct our attention, are the economy of the college, and the state of its library. The Corporation, it seems, have been accused, on the one hand, of excessive prudence in the husbandry of their resources, and on the other, of appropriating too large a portion of them to the augmentation of the library. These charges are not, on the face of them, very plausible, nor even very consistent with each other; and if the enemies of the college can find nothing worse to allege against it, its friends and the public have, perhaps, reason to suppose that its concerns are pretty well managed.

It is the singular and peculiar fortune of Cambridge College to be connected with the earliest history of the country, and identified with the progress of its liberties. Its influence was national; pervading not New England only, but all the Colonies; co-extensive with the firm maintenance of piety and the general regard for the interests of science. It may be questioned, whether it was not an important element in the formation of the character, which terminated in the struggle for independence. Other institutions may, perhaps, come to be more munificently endowed, more numerously attended: but none can ever rival it in the crowd of grateful and deeply interesting associations which belong to Harvard College, as the cherished child of the pilgrims, venerable from its age, almost coeval with the landing of the Fathers.

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The whole country has a continued interest in the permanent success of an institution, which was commenced under such auspices. We may all claim that it should be administered in a spirit of just liberality, that its benefits should be dispassionately distributed, that its principles should be elevated above the control of political factions or religious parties, and that its steady advancement should be promoted in proportion to the rapid increase of our national wealth, population, moral influences and responsibilities. And we hold it to be a self-evident maxim, that all this cannot be accomplished without the exercise of a vigilant economy.

Where there is no spirit of thrift, generosity is sure to defeat itself; and an inconsiderate enthusiasm works its own ruin, however pure and exalted may be its purposes. It is a beautiful fable, which tells us of the bird that freely strikes wounds into its breast for the nurture of its brood; and, we doubt not, many a young mother would cheerfully lay down her life for her child. But our *Alma Mater* is in the custody of her sons; and their piety would surely never allow her to languish from the thoughtless excesses of her liberality. Dollars and cents are, after all, the main instrument of efficient action; and thrift is the main support of temporal prosperity. Without thrift, private charity would run rapidly to the condition of the unavailing exercise of a barren good will; and there could be no large expenditures for public charities, no munificent endowment of the sciences, no careful and sufficient provision for the infirm, the aged, and the insane; no continued and untiring appropriations for the diffusion of religion. It is the thrift of New England, which has enabled her thus far, in proportion to her numbers and resources, to contribute to public uses more than any portion of the world; to contribute voluntarily and steadily; to contribute cheerfully and lavishly; and yet to retain her energies unimpaired, or rather to find them refreshed and invigorated by the sacrifice. Hence it is, that so much good has sprung from our barren soil. It was in our Eastern sky, that the star of missionary enterprise first arose; it was here, that the universal establishment of common schools was wisely designed and most happily executed; and it is here, that new associations are perpetually forming for diffusing the blessings of civilization and the influence of religion.

We cannot perceive why the same duty of economy is not

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binding upon those, who are the organs for administering the funds, that are devoted to the public exigencies. The general advantage seems rather specially to require the wise and discreet administration of its resources. A lavish expenditure would rapidly impoverish. It forces an individual to humiliating condescensions or downright meannesses, and, by the operation of corresponding causes, it brings public institutions to a pinching parsimony, or,—and we have had an example in America,—to a declared and hopeless bankruptcy. The unrestrained expenditure which we condemn, is twice accursed; it subverts the foundations of prosperity already laid, and it deters the benevolent from intrusting their contributions to hands which will scatter their munificence. A wise economy, on the contrary, tempts to co-operation. Men readily assist, where a little only is required for the accomplishment of a great purpose; and thus the governors of a public institution are enabled to foster and sustain every important interest intrusted to their watchfulness, to provide for unforeseen contingencies, to prepare resources against the wastes and the hazards of time. All their movements are marked by freedom and cheerfulness. Under such an administration, the prospect is constantly enlivened by the consciousness of present success and increasing improvement. There is no sinking of the heart before the darkening scowl of anticipated want.

We do not advocate that narrow saving, which chills the expanding efforts at improvement; and, like a season of drought, destroying excellence in the germ, prevents the developement of that, which, in the issue, would itself have been productive. Such saving is not economy, but a wasteful timidity, a barren poverty of judgment. The economy we commend is a wise husbandry of resources, a perpetual vigilance, admitting neither want nor waste; a constant reference to the enlarging circumstances of the country; and a resolute determination to transmit the College to the next generation in as good a situation as its present one, and, if possible, in a situation somewhat better, not abstractly only, but *relatively*, not merely in the aggregate of its endowments and its fixtures, but in reference to the multiplied resources and demands of the country. A sinking fund is a common idea when a nation is in debt. There must be at the College an accumulating fund, or, otherwise, the rapid progress of the rest of the nation will leave Cambridge largely in arrears. The income of that accumu-

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lating fund might then be invested, and the annual proceeds of it appropriated to contingent expenses. In this way the College would, as it were, make to itself out of its own revenues a new donation annually, and as the Corporation lives forever, —may the incumbents live to a green old age!—it would eventually be placed on a basis suited to the dignity of the State, and the demands of the community. There is no danger, that the College will have too much money to appropriate, unless it is led astray to found scholarships and set a bounty on literary indolence. Heaven preserve us from such a consummation! But there will forever remain modes of appropriation consistent with the necessity of personal exertions, and directly beneficial to the sciences. Centuries and centuries will roll away, and the task of perfectly organizing a University with all its appropriate fixtures will remain incomplete. There will be enough to do, before its observatories will

> ———rightly spell
> Of every star that Heaven doth show;

before its garden will contain every flower that sips the dews of our northern climate, and its green-house hold specimens of all the splendid herbs of the tropics; before its cabinet will have gathered from every sea-shore, and along the margin of our streams, all the infinite varieties of shells, and have collected the minerals of every mountain and every mine. What need of many idle words? The works of God are infinite; to a perfect University belong fixtures, which will enable inquisitive minds, each in its selected branch, to learn all that Heaven has condescended to reveal, all that the powers of man permit him to acquire, all that the accumulated intelligence of previous generations has discovered, all that the keen eye of science has brought to light in any part of our globe. If the system pursued in the government of the College should steadily aim at enlarging the usefulness of the Institution, and at rendering it the great University, or one of the great Universities of the country, we venture to predict, that the other points in dispute will give rise only to transient disaffection. The increasing concentration of the sources of intelligence will confirm public confidence and claim public respect. The curious and the ambitious will necessarily throng, where there is the greatest union of abili-

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ties and the means of culture. It may, in this connexion and with due reverence be affirmed, that where the carcass is, thither will the young eagles gather.

Shall the Corporation, then, persevere in their efforts at perfecting the Library, which, in a University, is of all fixtures the most essential? On this subject, we quote from Mr. Gray's pamphlet, a passage in which the question is fairly stated, and the true doctrine clearly and ably enforced.

'I have just now mentioned buying books as one fit mode of spending the College funds. There is nothing, which has been more complained of, than our appropriating so much money to the Library. There is nothing, which I am more ready to defend. The Library, great as it is, is still deficient, very deficient in every department. Few of the Professors, I believe, can find in it the books necessary to enable them to perform their duties to the College.

'It has been stated, that till within three or four years, nothing has been appropriated to the Library from the general funds of the College, since the American Revolution. When, therefore, we are asked, "why spend the enormous sum of five thousand dollars in one year upon the Library? why not rather two thousand?" I ask, in turn, why not rather twenty thousand? The only answer I can give to my own question, is, that I thought five thousand the most we could appropriate to that object, with a due regard to all the other interests of the Institution. If the books bought are all good books, selected so as to be best adapted to our present and most pressing wants, highly and permanently useful, and cheap in proportion to their real value, I can hardly find any other limit than our means, to my willingness to buy them.'

'But it has been gravely and repeatedly said, "what need of more books? You have more books now than any body wants to read."—That is true; but not more than *every* body wants to read, or to consult, or to refer to. A man does not go into a Library to read the volumes in order, as they stand on the shelves, or to count them. He goes there to find all the good books, that have ever been written upon the subject, on which his mind is then engaged. To find exactly what he wants, exactly when he wants it, may save him the labor of a life, or make that life a blessing to mankind. Give to Dr. Bowditch thirty thousand volumes, and it would not compensate him or the public for the loss to him of his one *La Place*. In a country, where any value is attached to science or to letters, there ought to be at least one great library containing the means of excitement and improvement for talents of every kind, food for all tastes, weapons for every hand; and

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wherever that Library shall be, there will be the centre of instruction for the whole country; there will be the great establishment for education. Moreover, nothing will tend so effectually to build up such an establishment and attract to it efficient teachers as a Library equal to their wants; and we must not be content to have only books, that will be constantly used, and neglect to obtain those above the common reach.

'Let me suppose, or rather let me state, for I believe it is a fact, that a most accomplished Professor wishes a particular edition of a book, which is not to be found in the country, and desires us to send for it, to enable him to explain to his pupils more fully the meaning of the author he is required to teach them, the charm of his sentiments, and the graces of his style. It is one of those classic writers, who have been regarded for more than two thousand years with admiration and delight by every man of cultivated intellect and refined taste; who have been his teachers in youth, his models perhaps in manhood, and his comforters in age, his companions at home, his guides abroad, shedding light on every path, and breathing consolation in every sorrow. Will it be a sufficient answer to tell him, that though we have not the book he wants, we have a great many that he does not want, and more than he can read, and bid him study them? If the only use of books were to teach us our letters, the argument would be a good one. Any book would do for that. But it cannot be listened to for a moment by any one, who ever entered a library for the purpose of instruction to himself or of benefit to others.'

The propriety of increasing the College Library is here placed upon its right basis. What is the object to be held in view in administering the College? The old fashioned mode of training young persons was doubtless a very commendable one. We approve highly of '*digging, construing, and parsing;*' especially of '*digging,*' since nothing strengthens the mind like diligent exertion. But is this all? If it be, then it is quite useless to make great foundations of any kind; a grammar, a dictionary, and a Latin or Greek book or two, are all the instruments requisite for the very laudable purposes just mentioned. But if something more is expected, if the instructers are themselves to attain to that variety of information, which alone can lead to enlarged and comprehensive views, if the professors are themselves to rise above the mechanical portion of their occupations, and to advance the sciences which they profess, if the mass of learning, which centuries have developed, is to be kept in life and action, then something more than text-

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books and dictionaries may be required. Immense literary resources are not requisite for success in drilling; and a great library is demanded only for an institution, which aims at the accomplishment of higher purposes.

The governors of the College, therefore, in determining to increase the collection of books, have given an earnest of their views respecting the obligations incumbent upon them. They have decided wisely, with a just reference to the condition and rapid progress of the country, to the honor of New England, more especially to the honor of our Commonwealth and its capital, to the best interests of intelligence, to the responsibilities resulting from the accumulated respect, which nearly two centuries of usefulness have conciliated for Harvard.

The character of our free institutions naturally invites to a large and comprehensive liberality in appropriating to our use whatever of excellence has elsewhere been produced. The stranger is welcomed to our shores, from whatever portion of the world he may come; the rights of citizenship are made common to any, who will reside in the midst of us. It is the prerogative of those, who are distinguished by liberal culture, to rise in an eminent degree above the restrictions of prejudice. Let us, then, make a home in our public seminaries for whatever excellence the world may produce; and receive into our depositories whatever contributions may be offered to the general stock of human knowledge throughout the world.

If the existence of a separate class of men, as instructers, be requisite to render the foundation of libraries desirable, then we may say, that our country eminently demands them. Where will you find so many devoted to the interests of the rising generation? Our numerous colleges are well provided with instructers; schools and academies are scattered broad-cast over the land. The literary class, at least so far as it is engaged in the business of acquiring instruction for the sake of imparting it to the young, is with us, relatively, quite as numerous as in any part of the world; and if we count all the brotherhood of reviewers, and all the choir of editors, and the long list of those who *have been* editors, and the few writers of books, and the more numerous contributors to *Souvenirs* and magazines, we shall find that these United States count their thousands of writers. The sixty millions who speak the German language are said to have about ten thousand authors; our twelve or thirteen millions have more than a fifth part of that number. As we

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love good sense, as we abhor ignorance, let us give them books. Let them have an opportunity of becoming learned. Let there be one place at least, and many more if possible, where the tone of accurate knowledge is firm and elevated; and since the press is the great moral power of our country, let us have a press, eloquent but not superficial, expansive in its sympathies, yet exact and profound. No objection to the establishment of large libraries can be found in the want of a class of men who should use them.

To the professor, books are essential for the attainment of excellence. It would be as idle to require of him the most finished scholarship in any department, without offering access to a large library, as to require of a mechanic the construction of some piece of nicest workmanship without the employment of the appropriate instruments. The very idea of erudition implies the existence of vast collections; and high attainments cannot reasonably be expected of the teacher, when the means for making those attainments are not within his reach.

If we try by this standard the present Library at Cambridge, we shall find it doubtless to be a respectable one; yet rather as exciting good hopes, than as realizing them. In many departments it is not yet even tolerable. Its catalogue of books on civil law, for example, makes but a sorry figure; and in modern history, excepting only what relates to America, the deficiency is appalling. It would be impossible to verify or correct, by means of it, the history of any nation of the European continent.

A fine library will naturally attract men of good abilities and of a fondness for intellectual researches. As surely as the bees in spring will find their way to the largest flower-gardens, so surely will there be busy inquirers where the materials are abundant. And this is one of the chief hindrances at present to the rapid progress of American literature, the want of a point of union, a common arena, where accomplished minds are justled in close proximity.

It is quite as evident, that the vicinity of a large collection of books will tend to develope the talents of those who have access to them. The passion for acquisition may display itself as well in nursing a restless craving after accumulated knowledge, as in any way. The fondness for distinction will naturally rouse to exertion, and public expectations are wont to rise, in proportion to the opportunities, which are offered for the attainment of excellence.

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There is one circumstance, which merits consideration, as illustrating the claims of the Library to public favor, that it is equally open to all. The poor and the rich may equally lounge in its alcoves; and the orthodox and the heretic, Christian and Pagan, Jew and Gentile, the defender of Babylon and the advocate of prelacy, may each resort to it for instruction and reproof. There can be no favoritism there; and he that brings the strongest mind and most diligent industry, will be sure to meet with the best welcome.

For the ensuring of success in the establishment of a great library, large appropriations are needed. From what quarter shall they come? The Corporation has appropriated five thousand dollars annually. This is doing well according to their means; but it is not enough. A fire-proof building, somewhat remote from other buildings, is required. Besides, the sum we have mentioned is but just enough to keep up with the age; a great many works of former ages remain to be purchased. The King of Prussia, when determined on making Berlin a central point for science and letters, deemed thirty thousand rix dollars a year not too large an appropriation; he made, also, occasional grants for specific purposes. Our Republic stands in need of as great foundations for general culture as the Prussian monarchy, and Boston is a place of more wealth and of more business than Berlin. Who shall aid the Corporation in their efforts?

We answer, those that are able. Every body knows, that the student in his retirement has little to do with finances; the streams of Pactolus have not their sources in the classic regions of contemplative employment. 'The soil of Parnassus is barren, though its air is pure,' is a true remark of an English physician. It is not, then, from the literary class, as such, that large contributions are to be expected. Go into the streets, and learn who are the men, that control the sources of all the prosperity, with which our country rings from side to side. If they are the dealers in iron, the traders to the Indies, the skilful managers of factories, the prudent masters of monied companies, then it is of them that the country invites, requests, demands a fostering care for the endowment of those fixtures, which are essential to the best interests of knowledge.

But it may be said by those, whose industry has borne away the richest prizes, *cui bono*, how does all this tend to *our* advantage? Are we to contribute to purchase books, which we are never to read?

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To be sure you are, is our reply. It is perfectly reasonable to expect that you will assist in buying a large collection of books, though it would be most unreasonable to ask of you to read them. You buy lands which you do not till; yet the culture of them turns to your profit. You own ships, which you send to the utmost limits of the sea,—you do not navigate them in person, and yet the returns are for your advantage.

Gold and silver are of use in all transfers of property; but it is not necessary for every one to labor in the mines. The man of letters extracts the gold, puts upon it a stamp, and makes it current coin; do not in your pride think meanly of the laborers in the mines or the servants of the mint. Take the benefit of the general mass of information circulating in society; but remember that old notions, like old coins, lose part of their currency, and require to be stamped anew, if they are to pass freely in the busy world.

We repeat, then, you must buy the books, but there your duty ends; you are not obliged to read them. There are in society men, whose duty it becomes, in conformity with the rightful subdivision of labor, to read them for your benefit, so soon as the means are offered. It is necessary, for example, that there should be a large medical library; and it is important to the community, that there should be among us a class of active, professional men, acquainted with all that has been observed respecting every disease and form of physical evil, to which inherent weakness, or civilization, or virtue, or vice, has exposed poor human nature. But God forbid, that every individual, not of the profession, should store his mind with all the details of men's infirmities, should crowd his imagination with the disgusting images of loathsome illness, should load his memory with all the vile circumstances of a lazar-house, should be aware of all the intensity of excruciating tortures, which the surgeon relieves, or should know all the frantic creations and saddening tricks of insanity, as exhibited within the gloomy walls of a mad-house. It is essential to the common happiness that all these things should be known, and the memory of them carefully treasured up; but it is fortunately not every man's duty to hoard such melancholy facts.

Apply the same mode of reasoning to the study of Latin and Greek. How often have we seen men contumeliously sneer at the humble pursuits of the philologist, scoff at his diligent investigation of difficult points in grammar, and treat

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his labors as insignificant and valueless. Be it so. We will not argue that point. Undoubtedly much of the minute toil, requisite to the formation of a good scholar, is mere drudgery; yet, as times and manners are, the habits of cultivated nations and the approved modes of education, it is on any view requisite and desirable, that all the results of philological research should be possessed by living men. And hence the necessity of an immense critical apparatus, which the opulent will seldom consult, though they must contribute to its purchase.

We might multiply illustrations. What branch of knowledge is more interesting than that which records the fortunes of the human race? Yet to make history valuable, there must be for the inquirer ready access to the sources, and abundant opportunity offered for verifying the details. Most of us read not more than one history of Rome. What confusion of ideas would Niebuhr's history have occasioned in the minds of men, in a community where there was no erudition? The opportunity for research is the best safeguard against incredulity; and we shall take things quite enough on trust, even if we have the materials of re-production within our reach.

But is there to be no end to this purchase of books? Oh yes,—and let us see what it is. When the public library has redeemed from time all the valuable intellectual bequests of former ages, when it has garnered up all that preceding generations had amassed as a sacred and imperishable inheritance, there will then remain no duty, but to collect what the age produces. And when literary ambition shall cease to be excited; when genius is no longer bestowed by the munificence of Heaven; when industry no longer collects new facts respecting man or nature; when the forming hand ceases to re-produce; when the streams of human intellect no longer flow; when the springs of intelligence and thought are all dried up; when the regions of science and of mind sleep in a universal lethargy, then it will be time to give over buying books; and then, too, there will be no need of a university at Cambridge, and no functions for a college corporation.

In fine, we think that the present movement in favor of the Library, on the part of the governors of Harvard, is not to be attributed to the transient impulse of a magnificent, ephemeral enthusiasm; but is rather the result of a right understanding of their duty, is approved by the deliberate judgment of the community, and is in strict accordance with the public requisitions and wants.

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ART. X.—*Life and Character of Henry Brougham.*

1. *Speech of Henry Brougham, Esq. M. P. on the Present State of the Law.* 1828.
2. *Practical Observations on Popular Education.* By H. BROUGHAM, Esq. M. P. F. R. S. From the Twentieth London Edition. Boston. 1826.
3. *Publications of the Society for the Diffusion of Useful Knowledge.* 1827—1831.

Our present object is, not to speak particularly of the merits of the several publications just enumerated, but to sketch for the entertainment and instruction of our readers, the more prominent incidents in the life of the remarkable individual, who is the author of some of them, and the chief promoter of all. We do not know that we can render a worthier or more acceptable service to the readers of our Journal, than by devoting, from time to time, a portion of its pages to a narrative of the doings of such men. It was well said, that 'History is Philosophy teaching by example.' But history seldom condescends to the teaching of individuals; and when she does, she instructs us rather in the arts of war than in the works of peace; noticing briefly and withal somewhat superciliously the noblest designs and labors of philanthropy, and even the most glorious civil triumphs, while she records, with all the blazoning of the most gorgeous description, the achievements of military prowess, or details, with scrupulous minuteness, the intrigues of courts. Thus the examples furnished by history are not adapted to the instruction of common life. They show us man in his robes of state and under the influence of artificial constraint, not in his every day dress, and acting from the genuine promptings of the heart. They exhibit to our view a man not of nature's making but of art's making.

Now biography teaches by better examples than these. Her instructions are adapted to peace as well as to war; to man as an individual as well as to man in society. She holds up for our admiration and imitation men who have never seen the tented field. She sits by the philosopher in his closet, and notes the laborious processes of thought by which his mind struggles to reach, and at last does reach, some mighty and all-comprehending principle. And to waken in the hearts of other men a noble emulation, she tells of the inexpressible triumph with which he exclaims *Ευρηκα*. She accompanies

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the traveller in his toilsome journeys from land to land, to gather some worthy offering for science, or to add some yet undiscovered realm to the dominions of knowledge. She deems it no unworthy task to tell with what self-sacrificing spirit philanthropists have labored on through difficulty, and discouragement, and opposition, to give effect to some grand scheme of benevolence, in many instances dying without one glimpse of the glorious triumph which was destined to crown their exertions. By examples such as these does biography teach, and teach noble lessons.

There is, however, yet another use of biography. It helps us to a better understanding of the way in which the great machine of society works. Thoughts and feelings are the prime forces that act upon it, the thoughts and feelings of individual men. And it often happens that one man, by the force of circumstances, or by the resistless energy of his own spirit, is placed or places himself in a situation to control, like an earthly god, the destinies of whole nations;—still oftener, originates some new thought or makes some new discovery or invention, destined in its consequences to change the whole aspect of society. It is important, therefore, to know something of individual character and conduct, in order to understand the operation of these latent but powerful influences. Indeed, for our own part, if we might be permitted to preserve all the memorials of such men, we should hardly be disposed to quarrel with time for devouring the remainder of his omnifarious offspring.

It serves also as a general and generous stimulant at the great banquet of knowledge. Every one feels a greater curiosity to read the work of a friend or acquaintance than the production of a stranger; and biography makes us acquainted with the authors of the books we read. And certainly, if we may be permitted to speak from our own experience, not a little is added to the interest with which we peruse the writings even of the glorious Milton, when we learn from his biographer, that he was a firm friend of freedom in his day; that he lived in the stormy times of the English Commonwealth; that he was Secretary to the Protector, Cromwell; that after the restoration, he was persecuted, though old and diseased, and poor and blind; that though

> ——— not to him returned
> Day or the sweet approach of even or morn,
> Or sight of vernal bloom, or summer's rose,

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> Or flocks or herds or human face divine,
> But clouds instead and ever during dark
> Surrounded him;

that though

> ——— fallen on evil days and evil tongues,
> With danger and with darkness compassed round,

he yet, under this accumulated pressure of calamity, did not

> ——— bate a jot
> Of heart or hope, but still bore up and steered
> Right onward.

And every one knows, for every one feels, how the remembrance of the deeds of our Revolutionary fathers has invested with an almost holy character and sacred authority whatever they have left behind them for the instruction of their children. It is because we know who they were, and what they did, that we now give such earnest heed to what they said. It is because we know that they labored hard, and acted wisely, and suffered much, and ventured every thing, that we now listen to their voices reverently as to the responses of an oracle.

The individual, of whom we now propose to speak, has not, indeed, this last sacred claim upon us. But he has a claim of as high, though different nature. He belongs to a great party, which has arisen in modern times,—we mean the party of the friends of freedom, universal freedom; who confine their regards within the limits of no geographical boundaries and to no peculiar texture or color of the skin. And we rejoice in it as one of the best signs of our times, that let a man only be seen laboring in the cause of mankind, and bringing with him to the work eminent ability and exalted worth, and be he of what nation he may, voices of approbation and encouragement will come to him from every abode of civilized man, to cheer him on. Such a man fixes the gaze of multitudes every where. And herein we have a strong security for his faithfulness. If he tire of his work, or suffer himself to be lured aside by temptation, he knows that imagination cannot number the tongues that will pronounce his name with loathing and abhorrence.

We would not be thought to have forgotten the maxim, that none but the dead can be accounted happy. We are aware that the judgment of the dead was not, and is not peculiar to

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Egypt. Nor is that judgment to be held in light esteem. Posterity will, no doubt, pronounce more impartially upon the doings of a man, but, perhaps, not, therefore, more unerringly than his contemporaries. The mists of prejudice may be dissipated,—may be, but are not always; yet much will be forgotten that is essential to a just decision, and ignorance darkens judgment as much as prejudice misleads it. There are important purposes to be answered by a contemporary trial of the living man. If he have done well, the applause of the world will encourage him to do better; if ill, the censure of the world will deter him from a repetition of the evil. Public opinion now-a-days takes cognizance of every man's thoughts and conduct, and binds him over to good behavior. It is well that it is so. It is well for mankind, that public opinion cheers the laborer in a good cause onward; while it rebukes the evil-doer in tones of authority that must be felt and cannot be disregarded. We should not hesitate, therefore, to speak of Henry Brougham, as we think he deserves to be spoken of, under any circumstances. Much less would we stifle the expression of our opinion now, when an ocean rolls between us, and we are to him as posterity. Besides, we would contribute our humble aid to foster sentiments of reciprocal esteem between those, who, in different lands, and under widely different circumstances, cherish the same love of freedom, and the same earnest desires to promote the best interests of mankind. We propose, therefore, the life and character of Brougham, as a worthy example to those who are ambitious of a noble name. We would not ask for him the tribute of admiration only. We require for him another and a higher homage,—the homage of imitation. Not that all can tread where he has trodden. That is not needful. But every one may find something in his example to imitate. All may learn something from the study of his life, that will make them wiser and better men,—more enlightened as to what the condition of the age requires of them; and more firmly resolved to do what is required.

We have extended these preliminary observations somewhat beyond our intention; but, we hope, not uselessly. We will detain our readers on the threshold no longer; but proceed at once to lay before them what information we have been able to collect. Henry Brougham was born in Westmoreland, a county in the North of England, in 1769. Of his early

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life we have been able to ascertain little more than that he was educated in Scotland. It would be interesting to know what promise his infancy gave of his future greatness. It would gratify a natural curiosity to be informed whether they who saw the seedling germ, predicted the majestic height and wide-spreading luxuriance of the full-grown oak. We may infer, however, with sufficient certainty, from the subsequent character of the man, that the boy must have been great among boys. It is probable that he was even then distinguished for clearness and quickness of apprehension, force of thought, energy of expression, and decision of character. He was, it is likely, no idler; but, warned by some mysterious instinct, of the part he was destined to act on the great theatre of human affairs, he gathered with patient toil and treasured up in his mind vast stores of knowledge for his yet undeveloped faculties to act upon in future years. He could not have been a genius, if a genius be what a real genius has lately been described to be, 'an idle, irregular vagabond sort of a personage, who muses in the fields, or dreams by the fire-side, whose strong impulses must needs hurry him into wild irregularity or foolish eccentricity; who abhors order, and can bear no restraint, and eschews all labor.' On the contrary, it is very probable, that he labored intensely, and was, perhaps, spoken of by his school-fellows as a hard working fellow,—but no genius. At all events, it is certain that his whole after life has been a practical declaration of a deeply seated conviction of the paramount importance, the indispensable necessity of earnest, unwearied, unremitting labor. His whole life bears witness to his belief, that nothing worth having can be gained without effort; but that by steady, persevering effort, every thing may be gained.

We first hear distinctly of Mr. Brougham as a member of a celebrated debating society, in Edinburgh. There, like our own Pinkney, he trained himself in the arts of logical offence and defence. There he prepared, by assiduous self-discipline in mock encounters, for the more strenuous contests of after years, when the buttons were to be off the foils, and shields were to be stricken with the sharp end of the spear, until they should ring again. Success, more brilliant than fancy could have pictured or hope have prophesied to the youthful aspirant, was destined to crown his labors.

About this time, while he was not yet twenty years of age,

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he wrote and communicated papers on the higher Geometry to the Royal Society of London. These papers were ordered to be printed in the Transactions of that Society, and they were read, admired and commented on in foreign tongues. This was his first great triumph, and a great triumph indeed it was. We can hardly conceive a worthier commencement of his glorious life. Perchance we may be singular in our opinions; but we do look upon these purely intellectual achievements as conferring a far more enviable distinction upon a man, than the proudest military triumphs. We would have the feelings of Franklin, when with a kite and a hempen string he brought the lightning from the clouds, rather than those of the Duke of Wellington after the battle of Waterloo. And therefore we think it by no means the least honorable circumstance of Brougham's career, that at so early an age, when he was, in fact, but a mere boy, he should have been able to communicate such papers to such a society; that they should be deemed worthy to be published in that great record of their collected wisdom, through which Newton was proud to give some of his most splendid discoveries to the world, and that they should have attracted the attention, and been honored with the comments of the philosophers of the continent.

In 1813, in the thirty-fifth year of his age, Mr. Brougham published an elaborate work on the Colonial Policy of the European Powers, which added much to a reputation already brilliant. About the same time, also, he became a contributor to the Edinburgh Review, which periodical had been established the year before, and had espoused the principles of the Whig party. Of this Review, he has ever since been one of the chief ornaments and supporters. He has contributed to its pages many of its best articles on various subjects of literature and science, seeming equally at home and at his ease in either walk. As we do not intend to recur again particularly to his scientific or literary labors, we will mention here that he is the author of several papers in Nicholson's Journal, of which we cannot fix the date. While thus engaged in laying deep and strong the foundations of his fame in a broad and comprehensive knowledge of men and things, and their infinitely diversified relations, he did not neglect the more dry and abstruse investigations through which lies the road, and the only road, to legal distinction. He had chosen the profession of the law, and to choose a profession, and to determine to be among the most distinguished

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of its members, were to him one and the same thing. He set about giving effect to this determination with all that energy of will and perseverance of effort, which he had already displayed so conspicuously in other pursuits. All our readers, probably, know how splendid was his success; and will pardon us, if we hasten to the commencement of his parliamentary career.

He was about thirty-eight years of age, when he first took his seat in Parliament; having been returned for Camelford, a borough in the interest of the Duke of Bedford. It was a period crowded with great events. The world was then agitated by the all-grasping ambition of one extraordinary man. Nothing seemed to be exempt from his power. He overturned thrones and subverted governments. At the distance of three thousand miles, we felt the shock. England alone seemed to stand in his way to the mastery of the old world; and with England, he was, at this period, at war. In ordinary wars, neutral rights are respected, and the neutral position is one of eminent advantage. But this was not an ordinary war. Napoleon led the way to the violation of the law of nations and of neutral rights, by the famous decree of Berlin, issued in November, 1806. The English Government retaliated, by issuing the equally famous Orders in Council, in November, 1807. In December of the same year, Congress, deeming our commerce 'unsafe within the wind of such commotion,' passed the embargo law, by which our whole trade was at once withdrawn from the ocean. Of the effect and policy of all or any of these acts of belligerent legislation, it is not our purpose to speak in detail. The trade and manufactures of Great Britain were deeply injured by them; and, in the following year, petitions were presented from London, Liverpool, and Manchester, against the obnoxious Orders in Council. Mr. Brougham was the most conspicuous advocate of the petitioners. He argued their cause, and the cause of the nation, ably and faithfully; but his efforts were not, at this time, successful. The Orders in Council were not rescinded. For four years longer, the nation struggled on through every form of embarrassment and distress. The merchants and manufacturers again complained and petitioned; and Mr. Brougham was again their advocate. He moved that evidence should be heard at the bar of the House of Commons on the state of the country. Contrary to general expectation, according to the wish, rather than the hope of the petitioners themselves, the

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motion prevailed. Evidence was introduced. Mr. Brougham himself took the lead in the examination; which was continued near a month, until the House was saturated with information as to the existence and the cause of the general distress. He then, in a speech of great eloquence and power, urged the immediate repeal of the obnoxious and ruinous edicts. His principal arguments were drawn from the vast importance of the American market to the British manufacturer, and the necessity of checking the growth of a manufacturing spirit in the United States, who had begun to make at home, what British policy prevented them from purchasing abroad. We regret that we have not room to lay before our readers some passages from this truly splendid speech; but we must reserve all the space that can be spared for other quotations of even greater interest. His power had been felt before; but in this debate, he first put forth his whole strength. He showed himself to be armed with a perfect knowledge of the whole merits of the question, and he used his knowledge with wonderful skill. He exposed, with irresistible sarcasm, the absurdity and ruinous character of the ministerial policy; and he alarmed the fears and aroused the sympathies of the House, by vividly picturing the uneasy and distressed condition of the country. It is scarcely necessary to add, what nearly all our readers know, that he went out of this debate triumphantly. The Orders in Council were rescinded on the 23d of June, 1812. It was, indeed, too late to regain our trade; for war had been declared by the United States against Great Britain, only a few days before. Mr. Brougham's merits, as the champion of the commercial and manufacturing interests, could not, however, be affected by this extrinsic circumstance, which so greatly diminished the value of the victory he had gained for them. We are informed by a gentleman, who was himself an important witness before the House, and whom these pernicious enactments went near to ruin, that the deputations from Leeds, Manchester, Birmingham, Liverpool, and other places, then representing their interests at London, presented to Mr. Brougham, on this occasion, a splendid service of plate, as a token of their sense of the value of his services.

But the repeal of the Orders in Council constitutes one of his least claims upon the gratitude of his country. We now invite the attention of our readers to his labors in the cause of popular education. This important subject seems to have occu-

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pied him early; but it was impossible to draw the attention of Parliament to it while the country was plunged in war. He did not attempt to do so, and he acted wisely. In the meantime, the people,—'a class,' as somebody has well said, 'who became obsolete soon after the downfall of the Roman Republic, and did not come again into notice for some sixteen or seventeen centuries,'—were learning a lesson in the school of experience, that rigid and stern, but most efficient schoolmaster. The great efforts that had been made, and were making, to vindicate the rights of the many against the pretensions of the few, were not regarded with an indifferent eye. Our own example of prosperous freedom shone calmly, but gloriously, upon the path of nations. Many eyes, that had been blind to the signs of the times, were opened; many ears, that had been deaf to the pleadings of humanity, were unstopped; many tongues, that had been silent in her cause, were loosed; so that when the war ended and the heavy pressure was taken off from the energies of the nation, every body felt that a great change had been wrought upon public sentiment, and that a great reform was necessary to satisfy the wishes of the people. Mr. Brougham seized this auspicious moment to commence his labors in behalf of education. In England, education had never been made a national concern. Individuals, of every rank, from the monarch down to the humblest of his subjects, had, from time to time, appropriated large sums to this object; but the nation, as a nation, had never done any thing for it. It became necessary, therefore, if Parliament should determine to take this matter into their own hands, to ascertain how far their individual contributions went towards accomplishing the object of a national education, before it could be known how much must be supplied from the public treasury. It was very generally understood, that numerous instances existed, of most reprehensible mismanagement and misapplication of the funds devoted by private munificence to this truly pious purpose. Every lawyer knew this perfectly well. In the sixth volume of the Term Reports, we find Lord Kenyon remarking, in one of his opinions, that 'whoever will examine the state of the grammar schools in different parts of the kingdom, will see to what a lamentable condition most of them are reduced. If all persons had equally done their duty, we should not find, as is now the case, empty walls without scholars, and every thing neglected but the receipt of the salaries and emoluments.' And in the

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thirteenth volume of Vesey's Reports, Lord Eldon is represented as solemnly and sternly denouncing from the bench, the general mode of dealing with the charity estates all over the kingdom, as 'grossly improvident, amounting to a direct breach of trust.'

Mr. Brougham's first efforts were, of course, to be directed to the exposure and correction of these abuses. In 1816, he began by moving for a Committee to inquire into the state of education among the lower orders of the metropolis. The alarm and clamor, with which the first proposal to extend the blessings of education to the working classes had been received, had subsided and was become disreputable. The motion, therefore, was not opposed. An Education Committee, consisting of forty members, taken indiscriminately from both sides of the House, was appointed, and Mr. Brougham was placed at the head of it. We cannot give any detailed account of the labors of this Committee; nor is it necessary to our purpose. A man who is in earnest in a good cause, will not shrink from the burdens it imposes; and we accordingly find Mr. Brougham, as we might have expected to find him, doing a very large share of the Committee's work. And the work was well done. The investigation went to the very bottom. The Committee made a voluminous Report,—printed by order of Parliament,—showing the proportion of uneducated children, the state of their morals, the happy influence of education upon morals, the circumstances in the state of the country favorable and unfavorable to education, the proper methods of promoting education, and lastly, the condition of the funds, already applicable to this purpose. In the session of 1818, this Committee was revived and clothed with larger powers. Its labors were renewed with the same energetic zeal, which had marked them when confined to a narrower sphere. Great numbers were examined, as well upon the general subject of education, as upon the application of the charitable funds. Mr. Brougham himself was a witness, and spread before the Committee a vast amount of information, collected by actual observation and from an extensive correspondence. The whole accumulated mass of evidence was digested into a second Report, which was also printed by order of Parliament. These Reports furnished a complete chart of the state of education throughout the kingdom, and attracted universal attention. It was found, that Lord Kenyon's descrip-

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tion was not only not overcharged, but that it actually fell far short of the reality. Men were found receiving large salaries for teaching, where nothing was taught; and where, in some instances, the very endowment of the school was unknown to those who should have received the benefit of it. Two or three cases, taken almost at random from these Reports, and from another source, will set this matter in a much stronger light than the most elaborate description.

We will first mention that of a free school and hospital amply endowed. The lands belonging to this charity, worth about $12,000 a year, were rented by the trustees to individuals of their own number, for about $3000. The free school was not taught at all; because, as it was alleged, scholars would not come; yet there was a master receiving a good salary, and enjoying, besides, the use of a house and premises worth about $400 a year, and keeping a private school for his own benefit, in the free school-house! Where he found scholars is a mystery. It was utterly impossible to get any when they were to be taught for nothing. In another case,—which we find detailed in a letter from Mr. Brougham to Sir Samuel Romilly, recommending a commission of inquiry,—a suit was brought in Chancery, and the evidence showed a richly endowed school, where the master was engaged in the laborious duty of teaching one whole boy, and his usher was helping, as well as he could, at the distance of a hundred miles. In this case, the Chancellor thought himself obliged to decree to this master and his usher, for services so meritorious, all the money received on account of fines, amounting then to about $25,000; lamenting, at the same time, the extreme injustice of the case; but saying with Portia,

'The law allows it, and the court awards it.'

The last case we shall mention is that of a free school, where the master and usher enjoyed a clear income of about $4000 a year; besides houses for both and two closes for the master. The school-room had gone to ruin, and was converted into a carpenter's shop. There was, as in the first case, one scholar, who was taught in another room. The master had been obliged, as he said, to be a great deal absent from home, much against his inclination, and the usher, of whom he had the appointment, was deaf.

These facts are enough to show what was the nature of the

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abuses that Mr. Brougham undertook to investigate. He was cheered, at the outset of his labor, by the unanimous applause of all parties. He found approbation, and encouragement, and support every where. Even the Ministers condescended to say, that they wished Mr. Brougham were always as well employed. The sky was clear;—the sea calm;—the breeze blew fair. Every thing seemed to bode well. In a little time, however, all this encouraging prospect was overcast. The questions connected with national education, remote as they are in their nature from party considerations, became, nevertheless, from causes that our limits do not allow us to state, party questions. The Ministry now began to think it a dangerous thing to commend a measure that had originated with so active an opponent as Mr. Brougham; and they naturally tried to retrieve the error that had betrayed them into temporary fairness, by hindering, or at least embarrassing its farther progress. A multitude of small writers opened their little batteries upon Mr. Brougham. He was charged with designs hostile to the two great Universities of Oxford and Cambridge. He intended, they said, to convert them into schools for paupers. He was accused of a wish 'to make himself a dictator in this country, by establishing a grand inquisition, and placing himself at its head.' It may well be supposed, that Mr. Brougham was not alarmed by these attacks. In 1819, he introduced a bill recommending a parliamentary commission of inquiry into the condition of charitable endowments, to complete the work which the Education Committee had begun. In the debate that arose upon this bill, the objections to the measure were arranged principally in two classes; the one, founded on the pretence, that the powers granted to the Commissioners would enable them to pry into the private titles of the kingdom; the other, on the assumption, that a sufficient remedy for abuses, if any there were, already existed in the Court of Chancery, under the statute of Charitable Uses. On the first class of objections, Mr. Brougham commented with deserved severity. 'Under the flimsy pretence,' he says, 'of great tenderness for the sacred rights of property, I am well aware that the authors of the outcry conceal their own dread of being themselves dragged to light as the robbers of the poor; and I will tell those shameless persons, that the doctrine which they promulgate of charitable funds in a trustee's hand being private property, is

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utterly repugnant to the whole law of England.' And this proposition, we think, he conclusively demonstrated, but we have not space for the steps of the process. We shall give, at greater length, a part of his reply to the second class of objections, not merely because it is vivid and powerful, but because it is a vivid and powerful description of a Court, in which Mr. Brougham himself now presides as Lord High Chancellor of England.

'It is enough to observe of the remedy under the statute of Charitable Uses, that it leads him who pursues it, sooner or later, into the Court of Chancery; and, in truth, as the law now stands, that well known Court is the only refuge of those who complain. See then the relief held out to us by those who oppose, or threaten to oppose this measure, and who bid us resort to the ancient laws of the land! It is admitted to be true, that glaring abuses every where prevail; true, that hardly a parish or a hamlet can be found where complaints are not heard; true, that the highest judicial authority proclaimed the extent of the grievance; true, that a Committee of the House of Commons, thirty years ago, vehemently urged you to afford redress. But your remedy is at hand, say the objectors,—what reason have you to complain? Is not the Court of Chancery open? Come, all ye who labor under the burden of fraud and oppression, enter the eternal gate of the Court of Chancery! True, you are the poor of the land,—the grievance you complain of has robbed you of every thing; but, though pennyless, you are not remediless; you have only to file a bill in Equity, and the matter will take its course! Why, if there be nothing in the reality, there is something in the name of the Court of Chancery, that appals the imagination and strikes terror into the unlearned mind. I recollect the saying of a very great man in the Court of King's Bench. The Judge having said of his client, "Let him go into a Court of Equity," Mr. Erskine answered, in an artless tone of voice, that made Westminster Hall ring with laughter, "Would your Lordship send a fellow-creature there?" There may be some exaggeration in the alarms created by the bare name of this Court; but, as long as it exists, a barrier is raised against suitors, who only seek redress for the poor, though no bars of oak or of iron may shut them out. Yet that the prevailing panic has some little foundation, I will show you by a fact. This remedy has only once been resorted to since 1787, and I am now enabled to state the result. The commission was executed in 1803; and in 1804, a decree was made, and the Court was petitioned to confirm it. Exceptions were taken as usual. Much and solemn argument

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was held, and I will venture to say from what I know of that Court, the case was most learnedly and plentifully debated. In 1808 the matter was deemed ripe for a decision, and, to use a technical but significant expression, it has *stood over for judgment.* Now in the language of the profession, "*this is my case.*" If any one tells me that the statute of Charitable Uses affords a remedy, I answer, that the grossest abuses being every where notorious, this remedy has been only thrice resorted to for above half a century, and only once within the last thirty years; and I bid him look at the fate of that one attempt to obtain justice.'

Notwithstanding Mr. Brougham's argument and eloquence, his bill did not pass, except after material modification, and being shorn of a great part of its original efficiency. The power proposed to be given to the Commissioners was limited, their sphere of action narrowed, and some classes of charities, in which abuses were known to exist, altogether exempted from investigation. The original bill proposed the appointment of eight Commissioners by Parliament, to be distributed into four Boards of Inquiry. The number eight was retained; but three instead of two Commissioners were assigned to each Board, and their appointment was assumed by the Ministry. The Education Committee, still anxious, though much disappointed, to give what effect they could to the measure, recommended several persons known to have distinguished themselves in the investigation, to be of the commission. The men of their nomination were passed by without ceremony; while men were appointed, avowedly hostile to the measure, or devoted, with almost exclusive zeal, to professional pursuits. Mr. Brougham offered his own services. They were rejected with contemptuous silence. On this subject, our readers will allow us to use his own language. 'I was induced,' he says in his letter to Sir Samuel Romilly, 'to tender my services, by the strong representations of my fellow-laborers in the Committee. As the office conferred neither emolument, nor patronage, nor power; as it gave only the privilege of hard labor, of which my habits of life and my zeal for the cause made it very clear that I should cheerfully take advantage; I imagined that the most implacable species of malice,—the spite of peculators trembling for their unjust gains,—could hardly impute any selfish views to the application. I therefore stated openly in my place, that I was anx-

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ious to be an honorary member of this commission. I added, that even if my temporary retirement from Parliament were deemed an indispensable condition of the appointment, I still desired to have the option upon those terms; being of opinion, that I might render more valuable service to the country by devoting to the proposed inquiry the whole time which I could spare from professional avocations.' Yet though Mr. Brougham thus publicly declared his readiness even to go out of Parliament, if he might be permitted on that condition to labor for the public good, men were found willing to assert that the sole spring, source, and motive of all his efforts in this cause was parliamentary ambition.

Crippled and maimed as the bill was in its passage, it nevertheless produced important results. The Commissioners appointed under it, made two reports, containing the substance of their investigations into the condition of a large number of charities. The statements of the Education Committee were fully confirmed; and, in the next year, the whole original measure of Mr. Brougham was carried through Parliament *without a dissenting voice.* And more. The powers of the Commissioners were enlarged, and their number increased beyond his first proposition; to the infinite mortification of a number of scribblers, who had thought to render an acceptable service to the Ministry, by attacking that measure, which public opinion constrained them at last to adopt as their own. The reports of the Commissioners, made as well before as after this suppletory measure, are very ample, and contain a full account of the condition of a great portion of the English charities.

Mr. Brougham now thought the time come for a direct effort to effect that grand object to which all this inquiry was a mere preliminary. He brought into Parliament, in 1820, his celebrated bill for the general education of the poor; providing for the instruction of all the children of all the people in common schools. This bill instantly became the object of virulent assault. Inflamed and contradictory accounts of it were spread among the people. The Churchmen were admonished that it would ruin the Establishment; while Dissenters were warned that it would annihilate the sects. Every effort was made to array the religious feelings of the community in opposition to the measure. One writer actually went so far, as to ascribe the whole scheme to the instigation of Satan, and seemed impressed with a vague notion, that Mr. Brougham

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himself must be, some how or other, an incarnation of the Prince of Darkness. Of this writer's ravings, we give a specimen, as a curiosity in controversy.

'And this reprehensible plan (Mr. Brougham's Plan of National Education) is proposed at a time when the enemy is, with malignant craft and industry, compiling and circulating far and wide manuals of the most blasphemous and seditious nature, for the use of those very children who are taught to read and write by the public benevolence. If the Madras System of Education, which more than combines all the mechanical advantages of the Lancasterian, with the addition of wholesome and daily instruction in Christian faith and practice, as admirably set forth in our Church Catechism and other appropriate expositions, is even endangered by these infernal machinations of the Devil and his inspired agents; how can we contemplate without painful apprehension, those naked schemes of education, which offer no effectual barrier against the infidel and demoralizing doctrines of the times! The enemy of mankind, whose element is sin, and whose good is evil, neglects no opportunity to sow his tares in a field so superficially cultivated, and so exposed to his incursions.'

It will doubtless astonish Americans to learn, that the study of the Bible, without note or comment, was a part of the plan of instruction so vehemently attacked. It is deeply to be regretted, that appeals to the religious sentiments of mankind should be so often made to arrest the progress of benevolence, or the diffusion of knowledge. Still more deeply is it to be lamented, that these appeals should be so frequently successful; that religion, the highest, the purest, the noblest of all the influences that can operate upon man, should so frequently become, in the hands of designing or ignorant men, the instrument of counteracting her own benevolent purposes. In the present case, they prevented an incalculable good to England. The progress of the Education Bill was arrested; and Mr. Brougham's efforts in Parliament were, of course, suspended. Of this sore disappointment, he speaks in the Dedication of his Practical Observations on Popular Education, with that calmness and forbearance, which he has ever displayed, when either was a virtue. 'I have,' says he, 'brought the question of Elementary Education repeatedly before Parliament, when the lukewarmness of many, and by me ever to be respected scruples of some, have hitherto greatly obstructed my design.'

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As it is our intention to describe what Mr. Brougham has done, without following very scrupulously the order of time, we shall make no apology for taking our readers back to the year 1816. In that year, his parliamentary life seems to have been fruitful of events. We have already mentioned, that he began his labors in behalf of popular education at that time. And we must not pass without notice his motion for a copy of the 'Christian Treaty,' 'falsely so called,' concluded at Paris, September 26, 1815, between the sovereigns of Russia, Austria, and Prussia. He was the first, we believe, who exposed the iniquitous conspiracy against the rights of man, concealed under the specious engagement, by which the three potentates bound themselves to take for the guide of their political conduct the precepts of our holy religion. His motion afforded him an opportunity to make this exposure; though we do not know that it answered any other purpose, or, indeed, that it was intended to answer any other. The whole world has since seen how well founded were his suspicions of this Holy Alliance.

In 1816, also, Mr. Brougham took a conspicuous part in the discussions that arose upon the distresses of the country. The agricultural interest suffered most. The war demand had greatly raised prices, and caused a large amount of capital to be invested in farming operations; and other causes cooperated to produce the same result. At the return of peace, the extraordinary demand ceased, and prices fell. Multitudes were ruined. Mr. Brougham mentioned in his speech the case of a parish, in which every individual but one became insolvent. All over the country, there were scenes of distress constantly occurring, which beggar description. Parliament took the subject into consideration. Mr. Brougham's speech on this occasion is distinguished by extent of research, by a vast accumulation of facts, and by the clearness of the principles and the conclusiveness of the arguments derived from those facts. It exhibits a complete view of the history and condition of the agriculture of the country; of the causes of its prosperity and decline, and of the remedies he thought best calculated to relieve existing distresses.

The next year, we find Mr. Brougham indignantly denouncing the treacherous dealing of the British Ministry with the States on the continent, after the final overthrow of Napoleon; and particularly with Ragusa and Genoa. In the great council

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of partition and spoliation, held at Vienna in 1814, it was determined, without the consent, and contrary to the known wish of these States, to annex Ragusa to Austria, and Genoa to Sardinia. The last act of violence and wrong was the more unjustifiable, because the restoration of their ancient Government, and the enjoyment of civil liberty, had been assured by the English Government to the Genoese. We quote the language of Mr. Brougham on this subject, the rather, because it affords a specimen,—the only one which we shall have occasion to cite,—of that vehement invective, which he is said to employ so effectively, when the occasion demands it.

'Sir, if one page in the history of the late Congress be blacker than another, it is that which records the deeds of the noble lord (Lord Castlereagh) against Genoa. When I approach this subject, and reflect on the powerful oratory, the force of argument, as well as of language, backed by the high authority of virtue, a sanction ever deeply felt in this House, once displayed in the cause of that ill-fated republic, by tongues now silent, but which used to be ever eloquent where public justice was to be asserted, or useful truth fearlessly inculcated, I feel hardly capable of going on. My lasting sorrow for the loss we have sustained, is made deeper by the regret that those lamented friends live not to witness the punishment of that foul conduct, which they solemnly denounced. The petty tyrant, to whom the noble lord delivered over that ancient and gallant people, almost as soon as they had at his call joined the standard of national independence, has since subjected them to the most rigorous provisions of his absurd code; a code directed especially against the commerce of this country, and actually less unfavorable to France.

'Thus, then, it appears, that, after all, in public as well as in private, in state affairs as well as in the concerns of the most humble individuals, the old maxim cannot safely be forgotten, that "honesty is the best policy." In vain did the noble lord flatter himself, that his subserviency to the unrighteous system of the Congress would secure him the adherence of the courts, whom he made his idols. If he had abandoned that false, foreign system, if he had acted upon the principles of the nation whom he represented, and stood forward as the advocate of the people, the people would have been grateful. He preferred the interests and wishes of the courts; and by the courts he is treated with their wonted neglect. To his crimes against the people, all over Europe; to his invariable surrender of their cause; to his steady refusal of the protection which they had a right to expect, and which they did expect from the manly and generous character of

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England, it is owing, that if, at this moment, you traverse the continent in any direction whatever, you may trace the noble lord's career in the curses of the nations whom he has betrayed, and the mockery of the courts who have inveigled him to be their dupe.'

In 1820, an extraordinary event occurred, in which Mr. Brougham was a conspicuous actor, and drew upon himself the observation of the civilized world. Every one remembers that the late Queen Caroline, in a little more than a year after her marriage, was unaccountably abandoned by her husband, then Prince of Wales; that, after suffering much and painful humiliation, she left England, and remained abroad until the decease of George III.; and that she then returned to claim her rights and vindicate her character. Her arrival was greeted with the most enthusiastic demonstrations of joy and affection on the part of the people. The Court did not, of course, participate in these sentiments. The Church was forbidden to insert her name in the Liturgy. The prime minister, Lord Liverpool, was directed to bring a bill into the House of Lords to deprive her of her rights and title as Queen-consort of the realm; and the most dishonorable methods were resorted to, to accumulate evidence against her. Mr. Brougham was her Attorney-General. It is said, that he had endeavored to dissuade her from returning to England; but in vain. He now used every effort to prevent the disgraceful trial which he had anticipated, from proceeding; but with as little success; and certainly no lawyer ever prepared himself for the defence of a nobler client, or under more peculiar circumstances. Against him, he saw arrayed the power of the King, the influence of ministers, the wealth of the treasury, and the interests and prejudices of a *majority of the judges; and he knew full well, that to proceed*, he must turn away his eye from the most tempting objects of ambition, and shut against himself the door of political elevation during that whole reign. Under such circumstances, a man might be excused, if he should display some little hesitation. Mr. Brougham never hesitated for a moment. It was enough for him to know, that he was to plead the cause of a stranger, to whom the rights of hospitality were denied; of a woman assailed by power; of a wife persecuted by her husband; of a Queen excluded from her throne; and that he had with him the sympathies and good wishes of almost the entire nation.

This celebrated trial commenced in the House of Lords, on

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the 17th of August, 1820, and continued nearly three months. Mr. Brougham exerted himself throughout with the most untiring zeal. His principal speech in the defence consumed the greater part of two days. When he had wrought his crowded audience to the highest pitch of intense excitement and breathless expectation, he concluded amid a deep silence that might almost be felt, by solemnly adjuring the Lords to forbear; he warned them that they stood on the brink of a precipice;—they might go on to pronounce judgment against their Queen, but it would be the last judgment they would ever pronounce;—he entreated them to save the country and themselves; he reminded them, that when the prayers of the Church were denied to the Queen, the prayers of the people went up to Heaven for her; and he ended by solemnly invoking Heaven, that mercies might descend on the people of England richer than their rulers had deserved, and that the hearts of the Judges might be turned to justice. We shall not attempt to describe the effect of this eloquent speech. The final issue is well known. The Ministry thought fit to withdraw the bill, and thus closed these shameful proceedings, to the great joy of the whole nation. The unfortunate Queen's cup of sorrow, however, was not yet full. She was doomed to experience yet other humiliations. She was excluded from participation in the coronation; and she was refused permission to be present at the ceremony. She even suffered the personal mortification of being denied admittance to Westminster Abbey. Under this accumulated weight of affliction and grievance, she sunk and died. Mr. Brougham, in an address to the electors of Yorkshire, called it '*murder*.' Perhaps the public opinion of the world has sanctioned the severity of the phrase.

We must pass over with a bare mention, Mr. Brougham's efforts in 1822 to throw open the Beer Trade. We can only glance at his eloquent pleading for oppressed Spain in 1823. In 1816, he had exposed the purpose of the unholy league impiously denominated the Christian Treaty; it was now his fortune to see his apprehensions realized, his prophecy fulfilled. It was in vain that he undertook the cause of the struggling Spaniards in the House of Commons. The fetters they had broken and flung off, were forged anew, and a French army was sent to rivet them again more firmly than ever. But we must pass by all this, and come at once to what

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he has done, and is now doing, for a Reform of the English Law.

The common law of England, originating in a barbarous age, in a state of society when commerce and manufactures were unknown, and men were divided into despised tillers of the ground and fierce wielders of the sword, is not, and could not be expected to be adapted to the exigencies of a civilized, manufacturing, and commercial community. As at present administered, the common law may almost be said to be a common nuisance. True, many additions and alterations have been made in the process of time. It is quite a different thing from what it was; but it can hardly be said to be a better thing. It is now an immense patch-work; the parts have been collected from a great variety of codes, fitted to a great variety of times and circumstances. Some of it is Danish, some Saxon, some Norman, and some Roman. Some of it is ancient, and some of it is modern. It is like a coat made of old cloth and new cloth; with sleeves for a baby, skirts for a boy, and a body for a man. It is like such a coat in another respect too;—it is found to fit nobody. The administration of the law is more wretchedly defective than the law itself. Justice is sold at an enormous price. The witty saying of Horne Tooke is too true. To one who said, 'the Courts are open,' he replied, 'Aye, like the London Tavern,—to all who can pay the bill.' So high are these bills, so great is the expense of legal proceedings, that it is frequently better to pocket an injury quietly and say nothing about it, than to attempt to obtain redress at law. If any one in England have a hundred dollars owing to him, and his debtor refuse to pay, it is cheaper to let it go than to sue for it. If any one have paid a hundred dollars and taken a receipt, and the man who has been paid demand a second payment, it is cheaper to pay the money over again, than to go to law and defend the suit successfully. So that it was not fancy, but sober truth that guided Dean Swift's pen, when he represented the father of the famous Gulliver as ruined, by *gaining* a Chancery suit *with costs*. To put the matter more plainly before our readers, we will narrate the leading circumstances of one case in which Mr. Brougham was himself employed, and of which a meagre account may be found in Mr. Starkie's very valuable book on Evidence. We shall use nearly the language of Mr. Brougham's speech on the Reform of the Law, in which we find a more detailed statement of the transaction.

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The case was in the Court of Exchequer, and Mr. Brougham was counsel for the defendant. It became his duty to examine a witness for the crown, who exhibited strong indications of perjury; but the verdict went against him, notwithstanding. On a new trial, however, the suspicion of perjury before entertained was turned into certainty, and the defendant was acquitted. A prosecution for perjury was instituted against that witness and seventeen others connected with him. Eighteen indictments were found, and the Crown removed the whole into the King's Bench. The Attorney-General conducted the prosecution. On the first indictment, Meade, the perjured witness already mentioned, was clearly convicted. The other seventeen were then to have been tried, but the Crown had made them all special jury cases, and, of course, there was not a sufficient number of jurors present. A warrant was prayed, as is usual, we believe, in such cases, that the jury box should be filled from the by-standers; but the Crown refused the warrant. Thus an expense of near fifty thousand dollars was incurred, and a hundred witnesses were brought from a great distance to London, all for nothing, except after the vexation, and trouble, and delay he had endured, to work the ruin of the prosecutor, who had at first been harrassed on the testimony of the perjured witnesses. These poor farmers had no more money to spend in law; all the other prosecutions were dropped. Even the wretch who had been convicted, obtained a rule for a new trial; but funds were wanting to meet him again, and he too escaped; so that public justice was utterly frustrated, as well as the most grievous wrong inflicted on individuals. Nor did it end here. The poor farmer was fated to lose his life by the transaction. He lived in the same village with Meade, the false witness; and, one evening, in consequence, as was alleged, of some song sung by him in the streets, this man, Meade, seized a gun and shot him dead on the spot. He was acquitted of murder on the ground of provocation; but found guilty of man-slaughter, and sentenced to an imprisonment of two years. A case of more complicated and enormous hardship, one fraught with more cruel injustice to the parties, can scarcely be imagined to have occurred in any country. Nor is this a very uncommon case. We have not sought through many volumes to find it. Such cases occur frequently. The Courts are familiar with them. The Reports are full of them. They have almost ceased to

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be shocking to the administrators of the law. 'So anxious,'—we quote from Blackstone by way of commentary,—'so anxious is the law of England to maintain and restore to every individual the enjoyment of his civil rights, without intrenching upon those of any other individual in the nation; so parentally solicitous is our whole legal Constitution to preserve that spirit of equal liberty which is the singular felicity of the British nation!'

Strange that Mr. Brougham should desire to interfere with such striking manifestations of parental solicitude! Strange that the people of England should desire to rid themselves of the guardianship and tender care of so kind a parent! Yet strange though it be, it is not the less true. The people and their great advocate, influenced, doubtless, by some singular obliquity of moral vision, thought they saw great and grievous defects and vices in that system, which, to the clearer eye of Sir William Blackstone, seemed so perfect and so goodly. And Mr. Brougham set himself strenuously to the work of reform. He began by a speech in the House of Commons, the report of which fills one hundred and thirty-nine closely printed pages. It is, perhaps, not saying too much of this speech to affirm, that there is not one either ancient or modern, that contains a larger amount of information, all bearing with admirable adaptedness and resistless effect, upon the very question under consideration. In this speech, he brought before the House the whole condition of the common law. No nook of the immense field had escaped his observation. He went into every dark corner and hidden recess, as into familiar and frequented haunts. And to this great knowledge of what the law was, he added a clear and sound understanding of what the law should be. While he pointed to the evil, he did not omit to indicate the remedy. All that he said was said with so much distinctness and simplicity, that no idea could be misunderstood; yet with such force and energy, that no mind could remain unimpressed. He concluded with his celebrated motion for the Reform of the Law; 'That an humble address be presented to his Majesty, praying that he will be graciously pleased to issue a commission for inquiring into the defects occasioned by time, or otherwise, in the laws of this realm, and into the measures necessary for removing the same.' He afterwards, for the sake of conciliation, made this motion less broad, by substituting the administration of

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justice in the Superior Courts, and the Law of Real Property, as objects of inquiry, instead of the Laws of the Realm generally. Thus modified, the motion was carried unanimously. Two commissions were issued by the crown, and the Reports of the Commissioners have been elaborate and valuable. There is a spirit now awake on this subject, that will not slumber again, until, instead of the present cumbrous and unintelligible system of law, and courts like that far-famed labyrinth, into which if a man once entered he never found his way out again, England shall have a simple and intelligible code of laws, and a cheap and prompt administration of justice. Mr. Brougham has already done much. He well understood what was to be done, and how it was to be done; and he went to work cautiously, as a man should, who is dealing with the veins and arteries of the social system. Last June, he brought before the House the result of his labors. His bill proposes to divide England into judicial districts of a convenient size. He would have only one Judge, who should have power to try and determine, with the aid of a jury, all causes of a certain importance. If the parties desire it, the Judge may hear and determine any cause without a jury. When required, the Judge must also act as an arbitrator, and his award will have the force of a judgment. But the most remarkable feature of the plan is this. Any party may cite another against whom he has any claim or complaint, or from whom he apprehends any claim or complaint, before the Judge. When there, they are to state their case in their own way, without any lawyer, and the Judge, having heard them both, is to give them his advice like a friend. If they agree to abide by it, this advice acquires the force of a regular adjudication. This part of the plan seems admirable in theory, and has worked well wherever it has been reduced to practice.

We see no reason why such a plan might not be introduced into the courts of our country to great advantage. While we have great and just cause of grateful triumph, that so much of the absurdity and evil, pointed out by Mr. Brougham in the system of English law, has been purged from our jurisprudence, we have also reason to be ashamed that so much remains. Our modes of distributing justice, especially, are far from perfect. And we may hope that it is not very presumptuous to imagine, nor an unpardonable irreverence of antiquity to suggest, that the present generation may improve what a former generation

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has left susceptible of improvement. If our laws and courts should be so improved, that Justice could no longer be represented, and truly represented, as limping tardily along after a nimble rogue, and only catching him, if she catch him at all, when he can get no farther, in the last court of appellate jurisdiction, we may hope, also, that no lawyer would be found weeping in secret over shrunk fees and a lean docket.

But let us return to Mr. Brougham. We have already adverted to his efforts in Parliament in behalf of popular education. We shall now give some account of his more successful, and, as it seems to us, more important labors, out of Parliament, in the same cause. His views on the subject of education, as, indeed, on every other subject, are exceedingly broad and comprehensive. He fixes the period of commencement at the dawn of the intellect, and looks upon an education as complete only when life is ended. He would have the infant go to school, the boy go to school, and the man go to school. He would have established, every where, infant schools, elementary schools, and adult schools. Of the first, he has been from the beginning a zealous, constant, and efficient friend; to his exertions in behalf of the second, the Journals of Parliament bear witness; of what he has done for the third, we are now to speak. And to begin, we will explain what we understand by an adult school. We understand, then, any association of grown-up persons for the purpose of acquiring knowledge. The Lyceums and Mechanics' Institutes, which, within these five years, have begun to be established in our country, are adult schools; and there are adult schools under other names, which we cannot now stop to enumerate. Mr. Brougham thought that the best thing he could do, was to publish some plain account of such associations, proving their great utility, feasibility, and cheapness, with some directions for the management of their concerns. This he did in a pamphlet entitled 'Practical Observations on Popular Education;' a work unadorned and simple in its diction, as it is powerful in its argument, and beneficial in its tendency. Nearly the same course is recommended, that has been generally pursued in the American Lyceums; to establish a course of lectures, make a beginning, and then to get a library and apparatus, the best that can be afforded, as soon as possible. In England, the great difficulty was to get books. There was, and perhaps is now, a heavy tax on paper, greatly increasing

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their price; and this tax is as heavy on the coarsest as on the finest sorts. To get rid of this difficulty as far as possible, a society was formed, having for its grand object the circulation of cheap publications, containing a large amount of information, compressed into a small space, by crowding the page. This society, 'the Society for the Diffusion of Useful Knowledge,' owes its origin to the sole suggestion of Mr. Brougham; a suggestion, that may justly be ranked among those great conceptions, which shed unfading glory upon a noble band of deeply thinking men of all ages, and have influenced, do now influence, and will continue to influence the condition of man forever. That this praise may not seem extravagant, let us attend to what the society has done. Immediately after its formation, it commenced the publication of the 'Library of Useful Knowledge.' This series of treatises is published on good paper, with a handsome type, and has reached the eighty-second number. Each number contains about as much matter as a common octavo volume of twice the number of pages and costing five times as much. Each treatise is complete. Some require one number only; some two, and some more. The biographies are generally complete in one number, though that of Galileo extends through nearly four. The subject of hydraulics is treated in one number; the American Revolution in two; arithmetic and algebra in four; and the history of Greece in nine. These are a few only of the subjects treated. When a volume is complete, an excellent Glossary, containing a neat explanation of every phrase, likely to be at all unintelligible, is published, together with an Index to the whole volume. Such a Glossary and Index have been published to the volumes on Natural Philosophy and Geometry, and an Index to the History of Greece. These treatises are admirable on account of their concise fulness, and the ability and vigor with which the several subjects are handled. Nor are they less worthy of admiration on account of their cheapness. In London they can be had for sixpence a number, containing thirty-two pages, with double columns and small print; and in our country, for fourteen or fifteen cents. It has sometimes been objected to these works, that they are not intelligible enough. The objection serves only to expose the shallowness of the objector; and may be completely refuted by the bare statement of the fact, that in the single city of Glasgow, more than five hundred copies of the work are circulated, principally among the mechanics. Those, however, who do not relish

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such plain fare as they find in the Library of Useful Knowledge, may find the Library of Entertaining Knowledge suited to their taste. It is published by the same society, and 'contains,' to use the words of the Committee, 'as much entertaining matter as can be given along with useful knowledge, and as much knowledge as can be conveyed in an amusing form.' This work is published in small monthly numbers. A series of most valuable maps has also been commenced, and has reached the eighth number. A series, designed for the special use of farmers, is likewise in the course of publication. It contains a large quantity of agricultural information, and some of the more recent numbers furnish detailed and minute accounts of the whole management of some of the best farms in England. And last, but not least, this society has published an almanac, full of valuable facts, statistical details, and wise instruction, which has had the excellent effect of driving from their last hold the foolish vaticination and the idle superstition, that had retired from the halls of high philosophy, and entrenched themselves strongly in publications of this sort. It is proof enough of the great value and high popularity of all these works, that the average sale or circulation of each rather exceeds twenty thousand copies; making a grand total, exclusive of maps, of almost a million little books, on the most important and interesting subjects of useful knowledge, put into circulation every year, by the agency of this single society; books, too, not likely to be thrown away after a careless perusal, and forgotten, but to be carefully preserved by each subscriber to constitute a valued part of his family library. Who can calculate the salutary influence of such a society on the public mind?

And this is the splendid result of Mr. Brougham's suggestion. The whole has been brought about under his immediate superintendence; and not a little of it has been his individual work. If the whole labors of a long protracted and laborious life had been directed to this result, they would have been well directed. By originating this magnificent scheme of public instruction, Mr. Brougham has brought the whole world in his debt. And how incalculably is that debt swelled, when we reflect, that the operation of this mighty agency has but just begun to develope itself; that it will continue to act, with undiminished force, and over an ever widening extent,

> 'When we and ours have rendered up our trust,
> And men unborn shall tread above our dust.'

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We cannot leave this part of our subject, without mentioning, though we can do no more than mention it, that Mr. Brougham was the father of the London University; an institution, which has had the good effect of calling into existence a rival seminary of learning, King's College; while it has placed the benefits of a scientific education within the reach of thousands, who had, before that time, been excluded from any participation in its advantages.

We are now to contemplate Mr. Brougham for a moment, as the able champion of the injured and down-trodden children of Africa. From the commencement of his parliamentary career, he has been the strenuous and eloquent advocate of every measure tending to meliorate their condition. In 1810, in consequence of the attempts to evade the prohibition of the Abolition Acts, he moved in the House of Commons, 'that this House will, early in the next session of Parliament, take into consideration such measures as may tend effectually to prevent such daring violations of the law.' In the course of the debate on this motion, he pledged himself to bring in a bill for punishing slave-trading as felony. The motion was carried unanimously, and in the next session, he did introduce a bill, declaring 'all dealing in slaves by British subjects, or persons within the British dominions, a felony, punishable by transportation, or imprisonment and hard labor, at the discretion of the court which tries the offence.' This bill passed into a law, and has the high merit of being the earliest public recognition of the principle, that the traffickers in human flesh are pirates, and ought to be treated as such. Mr. Brougham subsequently turned his attention to the condition of the slaves in the West Indies. His humane exertions in behalf of that friendless and unfortunate race of men are above all praise. But a few months have gone by, since he moved, in the House of Commons, 'That this House do resolve, at the earliest practicable period of the next session, to take into serious consideration the state of the slaves in the Colonies of Great Britain, in order to the mitigation and final abolition of their slavery, and more especially in order to the amendment of the administration of justice within the same.' In his speech in support of this motion, he placed the question on higher ground than that of simple expediency. He went to the bottom of the merits of the case, and denied utterly the fundamental principle of slavery, that man may be the subject of property. 'There is,'

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he exclaimed, 'a law above all the enactments of human codes; the same throughout the world, the same in all times; such as it was before the daring genius of Columbus pierced the night of ages, and opened to one world the sources of power, wealth, and knowledge, to another, all unutterable woes; such it is at this day; it is the law written by the finger of God on the heart of man; and by that law, unchangeable and eternal, while men despise fraud, and loathe rapine, and abhor blood, they shall reject, with indignation, the wild and guilty fantasy that man can hold property in man!' This motion, however, was negatived; and here the subject rests for the present; but there is every reason to believe, that public opinion will finally force Parliament to adopt the measures, which it contemplated.

Our readers are all familiar with the events of the last few months. They all know that Mr. Brougham was returned, almost unanimously, to Parliament, from Yorkshire; they are informed of the rapid decline of the Duke of Wellington's administration in popular favor, of the circumstances attending its final overthrow, and of the formation of a Whig Ministry with Earl Grey at its head; they know that Mr. Brougham is one of the new Ministers,—that he has been made Lord Chancellor of England and created a Peer, by the title of Lord Brougham and Vaux. Many doubt, whether the administration of Lord Grey will accomplish, or even attempt any very thorough reform; and the experience of all past time justifies the doubt. The instances of political tergiversation are too frequent in the history of parties not to occasion some apprehension. It has been said, that a mitre will make any man a high Churchman. In the soft seats of power men are apt to become lazy and indifferent to schemes, of which, when out of place, they have been zealous champions. But while these considerations move our fears, we are not without hope. For, in the first place, we look to the power of public opinion, —a mighty power, which no ruler or set of rulers can now-a-days brave,—to keep them in the straight-forward path of duty. And, in the next place, they are pledged, in the face of the world, not, indeed, to any wild or revolutionary measures, but to a thorough purgation and reform in the existing system of things, and if they now hesitate, or falter, or go back, their shame and disgrace will be trumpeted forth so loudly, that even the settlers on the banks of the Missouri will hear of it. Whatever other Ministers may do, we cannot entertain a doubt,

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that Lord Brougham will go straight on in his old course. The momentum he has acquired in it, is too great to allow him to stop if he would. Having already done so much, he must do more. And this, our confident expectation, is founded upon our knowledge of what he is and what are his deeds.*

Let us state the sum. His character has powerfully influenced the character of his age. His example of earnest, devoted, persevering labor to accomplish noble ends by noble means, has been long before the world. If we were called upon to name the man, who, in our opinion, has done more for the human race, we confess we should not know where to look. Franklin alone, in modern times, may be compared to him as an instance of what one man, animated by a noble and enlarged philanthropy, may accomplish for his fellow-men; and, in his great efforts for the diffusion of knowledge, he seems, constantly, to have held the example of Franklin in full view.

From his youth up, he has shunned no toil however severe. His whole life has been a life of intense labor, a series of great exertions. He has evinced on all occasions, a large and comprehensive benevolence; a sound and practical judgment; united with a genius of the loftiest and most universal character. We do not know that a single one of the numerous schemes of momentous importance, which he has originated, can be said to have finally failed. It may be added,—and it is a far nobler tribute to his character,—that there is not one of them all, which has not for its object, an improvement in the condition of some large portion of the community. Of the universality of his genius, the universality of his attainments furnishes sufficient evidence. He is one of the most profoundly scientific men of his day. Long and severe study has familiarized him with the teachings of the dead and of the living. He has succeeded, if we may so speak, in transfusing into himself the spirit of ancient literature; and no inconsiderable portion of the modern is his own work. He seems to know the history of past ages as if he had lived in them; and his published writings show how thoroughly he understands the condition of the present. He is a master of the English

*The reader will perceive that this paragraph was written before the British ministers had brought forward their plan of reform, which has, we doubt not, fully realized the expectations of our learned correspondent, and of the friends of freedom throughout the world.

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law, the most complicated and difficult of all the sciences; a science, to ascend whose heights and fathom whose depths, demands strong powers strongly exerted. These are his attainments. The sum so far outgoes the ordinary reach, even in cases where no little talent is combined with no little industry, that we should suspect ourselves of over-statement, did we not find, that other writers with better opportunities, more than bear us out. The author of 'Attic Fragments,' who cannot be said to be over-partial to Mr. Brougham, says, that 'one would imagine that he had realized the ancient Scythian fable, by killing the foremost man in every department of knowledge, and possessing himself of all their intellectual inheritances.' It matters not what the subject is, however sublime or however commonplace, however abstruse or however practical. Brougham knows it, and knows it completely.

But what deserves our more especial notice and admiration is, not the splendor of his natural endowments, not the vast extent and rich variety of his acquisitions; but the use to which he has devoted them all. He has set them apart for the service of mankind. He has a title more glorious than kings can give or schools bestow,—a title conferred upon him by the unsolicited suffrage of the world. He is the advocate of human liberty. It cannot be said of him, as of Burke, that he

> ——— narrowed his mind,
> And to party gave up what was meant for mankind.

No; what was meant for mankind, he has given to mankind. We have adverted to his exertions in behalf of the suffering slaves; but it is not in this poor sense alone that he deserves his glorious title. He would not emancipate the body only; he would set free the mind, and he would set it free by making it capable and worthy of freedom. His great principle seems to be, let an enslaved nation be enlightened, and there is no power on earth, that can detain it from freedom; let a free people be enlightened, and there is no power on earth that can reduce it to bondage. And therefore it is, that he has labored so earnestly to diffuse knowledge far and wide. The old Roman cry was, 'Give the people Tribunes, to guard their rights.' Mr. Brougham exclaims, give the people knowledge, and they will guard their rights for themselves. He said long ago, 'Tyrants may well tremble now, for the school

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master is abroad.' And more than any man, he has aided in sending him abroad. He prepared the way in England, by his laborious investigations into the condition of the public charities; and, though those who fear the power of the schoolmaster have, as yet, by clamorous appeals to interest, and ignorance, and prejudice, greatly obstructed his efforts to induce Government to take a share in the glorious work of instructing the people, there is now no longer any reason to apprehend, that this part also of his great plan will not finally be adopted. In the meantime, as if he thought life not long enough to study in, he has recommended and promoted the establishment of infant schools, that instruction may begin with the very first developement of the capacity to receive it. At his suggestion, too, a society has been formed, which is as a schoolmaster, not only to England, but to France and to America. To him, likewise, may be referred the origin of most of those numerous associations, which, under different names, have for their common object self-instruction and mutual improvement. The united influence of all these agents is like that tree of the East, whose branches, after spreading on all sides, bend to the earth, and take root again and spread still further; yet again to take root at a still greater distance from the parent stem, and to spread yet wider still. Its effects are already visible in the increased demand for useful information, in the augmented, and augmenting number of new publications to satisfy that demand, and in the generally improved character of the periodical press. He would be a bold man who should venture to say when, or where, or by what boundary, the operation of this influence is to be circumscribed.

And all this Mr. Brougham has accomplished while yet in the vigor of life. What, then, may not be expected of him, should he be spared to the green old age of Franklin? Hitherto he has neither had official rank or official influence to aid him. Now he has both. And we cannot believe that he will do less, because he has power to do more. He has hitherto been an independent man. To secure his independence, he has labored hard in his profession. We cannot think that he will cease to be so; that he will approach the throne without carrying his principles along with him. It seems to us little less than absurd, to say of a man, whose hours, devoted to the advancement of the best interests of mankind, have been 'frequently stolen from needful rest,' that he will not devote

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to the same great cause, the accidental influence of office; or that he, of whom we are told that 'he has hung over the lamp of study, till not all the bloom of life merely, but even the energy of life itself, seems on the very verge of extinction,' will now turn away from his glorious work, and so blast the splendid fame and the lofty self-approbation, for which he has made all this sacrifice. No; we find ourselves utterly unable to believe, that he has made such an oblation to the lust of power. And we look to see him laboring strenuously as heretofore, in the same great cause; and finding an abundant reward for his toils in the applause of his own heart and in the admiration and gratitude of mankind.

We would here conclude our remarks; for we have spoken of all the most prominent incidents of his life and of the public character of the *man*, if not as we would, yet as we could; but our readers will expect some account of the *orator*, and we are not willing to disappoint their expectations. Mr. Brougham's figure is said to be any thing but graceful. His features are almost harsh and repulsive; yet so strongly marked, that no man can see him, though but once, and go away under the impression that he has left an ordinary man. His action is not very elegant; but if we include under that name the whole of delivery, gesture, the tone of the voice and the expression of the countenance, then his power in this department is probably not inferior to that which is displayed in his reasoning and language. The action of his mind, and especially the tremendous talent of invective, by which he is eminently distinguished, have never been better or more forcibly described than by the author of the Attic Fragments. We shall make no apology, therefore, for laying an extract before our readers, and with it we shall conclude. It is taken from a description of Brougham's terrible attack upon Canning in the year 1823. The cause of the attack will be explained in the quotation. The two men are first exhibited in contrast.

'Canning chose his words for the sweetness of their sound, and arranged his periods for the melody of their cadence; while, with Brougham, the more hard and unmouthable the better. Canning arranged his words like one who could play skilfully upon that sweetest of all instruments, the human voice; Brougham proceeded like a master of every power of reasoning, and of the understanding. The figures and allusions of the one were always quadrable by the classical *formulæ*; those of the other could be

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squared only by the higher analysis of the mind; and they soared and ran, and pealed and swelled on and on, till a single sentence was often a complete oration within itself; but still, so clear was the logic, and so close the connexion, that every member carried the weight of all that went before, and opened the way for all that was to follow after. The style of Canning was like the convex mirror, which scatters every ray of light that falls upon it, and shines and sparkles in whatever position it is viewed. That of Brougham was like the concave speculum, scattering no indiscriminate radiance, but having its light concentrated into one intense and tremendous focus. Canning marched forward in a straight and clear track; every paragraph was perfect in itself, and every coruscation of wit and genius was brilliant and delightful; it was all felt, and it was felt at once; Brougham twined round and round in a spiral, sweeping the contents of a vast circumference before him, and uniting and pouring them onward to the main point of attack. When he began, one was astonished at the wideness and obliquity of his course, nor was it possible to comprehend how he was to dispose of the vast and varied materials which he collected by the way; but as the curve lessened, and the end appeared, it became obvious that all was to be efficient there.

'Such were the rival orators, who sat glancing hostility and defiance at each other during the early part of the session for 1823. Brougham, as if wishing to overthrow the Secretary by a sweeping accusation of having abandoned all principle for the sake of office; and the Secretary ready to parry the charge, and attack in his turn. An opportunity at length offered; and it is the more worthy of being recorded, as being the last terrible personal attack previous to that change in the measures of the cabinet, which, though it had begun from the moment that Canning, Robinson, and Huskisson came into office, was not at that time perceived, or at least admitted and appreciated. Upon that occasion, the oration of Brougham was, at the outset, disjointed and ragged, and apparently without aim or application. He careered over the whole annals of the world, and collected every instance in which genius had degraded itself, at the footstool of power, or principle had been sacrificed to the vanity or the lucre of place; but still there was no allusion to Canning, and no connexion, that ordinary men could discover, with the business before the House. When, however, he had collected every material which suited his purpose, when the mass had become big and black, he bound it about and about with the cords of illustration and argument; and when its union was secure, he swung it round and round with the strength of a giant and the rapidity of

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a whirlwind, in order that its impetus and its effects might be the more tremendous; and while doing this, he ever and anon glared and pointed his finger to make the aim and the direction sure. Canning himself was the first that seemed to be aware where and how terrible was to be the collision; and he kept writhing his body in agony, and rolling his eyes in fear, as if anxious to find some shelter from the impending bolt. The House soon caught the impression, and every man in it was glancing fearfully, first toward the orator, and then towards the Secretary. There was, save the voice of Brougham, which growled in that under tone of muttered thunder which is so fearfully audible, and of which no speaker of the day was fully master but himself, a silence as if the angel of retribution had been flaring in the faces of all parties the scroll of their personal and political sins. A pen, which one of the secretaries dropped upon the matting, was heard in the remotest part of the House; and the *voting* members, who often slept in the side galleries during the debate, started up as though the final trump had been sounding them to give an account of their deeds. The stiffness of Brougham's figure had vanished; his features seemed concentrated almost to a point; he glanced toward every part of the House in succession; and sounding the death-knell of the Secretary's forbearance and prudence, with both his clenched hands upon the table, he hurled at him an accusation more dreadful in its gall, and more torturing in its effects, than ever had been hurled at mortal man within the same walls. The result was instantaneous,—was electric. It was as when the thunder-cloud descends upon some giant peak,—one flash,—one peal,—the sublimity vanished, and all that remained was a small and cold pattering of rain. Canning started to his feet, and was able to utter only the unguarded words, "It is false!" to which followed a dull chapter of apologies.'

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ART. XI.—*North-eastern and Northern Boundary.*

1. *Decision of His Majesty the King of the Netherlands, on the Questions submitted to him by the Governments of the United States and Great Britain, for determining the Boundary Line between the United States and the British Provinces.*
2. *Protest of the Envoy Extraordinary and Minister Plenipotentiary of the United States, against the Decision of the King of the Netherlands, on the Questions submitted to him, as Arbiter between the United States and Great Britain, relative to the Boundary of the United States.*
3. *Report of a Joint Committee of the Legislature of the State of Maine, on the answer made by the King of the Netherlands, in relation to the North-eastern Boundary of the United States; read and accepted by both Branches of the Legislature.*

In the treaty of peace between the United States and Great Britain, of September 3, 1783, a part of the boundary line, between the territory conceded to the former, and the provinces of the latter, is described in the following words. 'From the north-west angle of Nova Scotia, viz. that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands; along the said highlands, which divide those rivers that empty themselves into the St Lawrence, from those which fall into the Atlantic ocean, to the north-westernmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraquy,' &c.; and 'east, by a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy to its source, and from its source, directly north, to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence.'

This description, specific as it seems, and the less liable to uncertainty, from being a repetition and confirmation of the boundaries previously established, and at the time subsisting between the Colonies whose independence was acknowledged, and the provinces of Nova Scotia and Lower Canada, has given occasion to doubts on several points, and to controversies

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of long standing between the two countries. The first question which came into dispute was, which of the rivers falling into Passamaquoddy bay, was to be taken as the St. Croix river, described in the treaty. For the settlement of this controversy, it was provided in the fifth article of Mr. Jay's treaty, made in 1794, that three Commissioners should be appointed, who should be sworn impartially to examine and decide the question. The Commissioners so appointed, unanimously decided, in the year 1798, that the northern branch of the Schoodick river, it being the main branch of the river, known at its mouth as the St. Croix, should be regarded as the St. Croix river intended by the treaty. This branch they traced to its source, and there established a monument, for determining the point from which the due north line of the treaty should run.

From this time to the date of the treaty of Ghent, in 1814, no measures were taken for marking the boundary between the two countries, from this monument to the highlands,—along the highlands to the source of the Connecticut river,—along the Connecticut to the forty-fifth degree of latitude,—or along the forty-fifth degree of latitude to the Iroquois, Cataraquy, or St. Lawrence river. A number of townships, however, were surveyed, by authority of the State of Massachusetts, and granted to literary institutions, bordering on the supposed due north line, from the source of the St. Croix. In the years 1771 to 1774, a line was run, in compliance with an order of the King in council, under the direction of the Provincial Governor, on the supposed forty-fifth parallel of latitude, between Lower Canada on the north, and Vermont and New-York on the south; and this line continued to be the limit of the jurisdiction of the respective Governments, subsequently to the peace of 1783, and in fact, so continues to this time. But this line was long since known to have been unskilfully and inaccurately run, and was, therefore, not considered as definitively settled. It remained, also, to be determined, which of the four branches of Connecticut river should be taken as the 'north-westernmost head' of that river. By the fifth article of the treaty of Ghent, it was provided, that two Commissioners should be appointed, sworn, and authorized to ascertain the line of boundary, from the St. Croix river on the east, to the point where the forty-fifth parallel of latitude strikes the St. Lawrence on the west, in conformity with the provisions of the treaty of 1783, and to cause it to be surveyed and marked.

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It was also made their duty to prepare a map of the boundary, particularizing the latitude and longitude of the north-west angle of Nova Scotia, of the north-westernmost head of the Connecticut river, and of such other points of the boundary as they might deem proper. The extent of the boundary line, thus to be ascertained, surveyed and marked, was about six hundred miles. It was further stipulated in the treaty, that in the event of the two Commissioners, so to be appointed, differing, or both or either of them declining, or wilfully omitting to act, they should make, jointly or separately, a report or reports to their respective Governments, stating the points on which they might differ, and the grounds upon which their respective opinions should be formed; and the report or reports so to be made, should be referred by the two Governments to some friendly sovereign or State, to be then named for the purpose, and who should be requested to decide on the differences, which should be stated in the report or reports of the Commissioners.

Under this provision of the treaty of Ghent, Commissioners were appointed by the two Governments, who were several years employed in making the necessary examinations and surveys, preparatory to a delineation of the line of boundary. The public have not been furnished with reports of the Commissioners, containing the results of these examinations, or with any very specific statement of the points on which they disagreed. It was early understood, however, that there was an irreconcilable difference between them, in regard to the highlands, described in the treaty, as dividing the waters which fall into the St. Lawrence, from those which fall into the Atlantic ocean; the British Commissioner maintaining that the highlands on the south of the river St. John are intended, and that the whole course of that river should be made to fall within the limits of the British provinces; and the Commissioner of the United States maintaining that the north-west angle of Nova Scotia is situated at the north of the St. John, and that the highlands described in the treaty, are those which form the northern and western boundaries of the basin of that river. They also differed in the designation of the branch of Connecticut river, north of the forty-fifth degree of latitude, which is to be considered as the north-westernmost source of the river described in the treaty.

The American Commissioner contended, that Hall's river

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or Indian river, westerly branches of the Connecticut, which unite with the main branch near the forty-fifth degree of latitude, best answer the description. The British Commissioner, on the other hand, maintained that the line of boundary should follow the main branch of the river, so far as it retains the name of Connecticut, viz. to Connecticut lake; and that the north-westernmost source should be taken to be the north-western-most stream which flows into this lake. The American and British astronomers, on making a variety of observations for determining the forty-fifth parallel of latitude, ascertained that the northern boundary of Vermont had been laid down, in nearly its whole extent, from half a mile to a mile too far north, and that, on the side of New York, the line was materially inaccurate. The extent of this deviation is shown on Hale's Map of New England, on which the existing line is laid down to correspond with its position in reference to the true forty-fifth parallel of latitude, as ascertained by these observations. Before the surveys were completed, the American Commissioner objected to a further prosecution of them, on the ground that it was ascertained that the line along this parallel of latitude had been determined by proper observations, and ratified by the Crown of Great Britain, while the adjoining countries were British provinces; that it had been for nearly sixty years the acknowledged boundary between them, and that there would be no difficulty in ascertaining the line so determined. The American agent contended also, that if the ground above stated were to be waived, and the line run anew, it ought to be run on the parallel of the '*geocentric* latitude,' as contra-distinguished from the '*observed* latitude.' This last claim, however, was not countenanced or supported by the American Government.

The Commissioners of the two powers were occupied in these investigations from the year 1816 to 1822; when, after long discussions, in which they found it impracticable to come to an agreement on the several points above stated, they made separate reports of their proceedings to their respective Governments. According to the terms of the treaty of Ghent, these reports should have been submitted to some friendly sovereign or State, to be named for that purpose, who should be requested to decide on the differences stated in them. But neither Government seems to have been entirely satisfied with the statement of the case, contained in the report of its Com-

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missioner; and a new arrangement was entered into, by a convention between the two Governments, which was executed on the 29th of September, 1827. By this convention, it was agreed to substitute for the reports of the Commissioners, new statements of the whole case, and to annex to those statements such of the existing documents, and such parts of the reports of the Commissioners, as each party might choose. It was also agreed between the two parties, that a map marked A, drawn up for the purpose of exhibiting the several highlands and water-courses, and the line contended for by them respectively, should be taken as mutually acknowledged evidence of the topography of the country, and that Mitchell's map, published in 1755, should be taken as an exhibition of the topography, as it was understood by the framers of the treaty of 1783. Map A does not in fact contain a very accurate representation of the water-courses, though it is sufficiently accurate for any purposes necessary for a just decision of the question. It may not, however, be found correct enough to serve as a guide for the delineation of the line according to the decision. It had been proved on a former occasion, by the depositions of Messrs. Adams and Jay, that Mitchell's map was before the Commissioners who formed the treaty in 1783.

The two Governments subsequently agreed in the choice of the King of the Netherlands as the arbitrator to whom the question should be submitted, and he accepted the trust. Statements were drawn up under the direction of the two Governments, with great labor, research, and ingenuity. Each party made a first statement of the case, which was submitted to the adverse party; after which, each made a further definitive statement. To these statements were subjoined, as appendices, collections of official documents, grants, historical papers, and maps. Each party furnished from its own archives such documents as were required by the other. From the effort which was made on each part to exhibit as strong a case as possible, the length of time occupied in the investigation, and the number of persons employed in it, under the several commissions which have been appointed, it may be presumed that every fact material to the issue has been collected. The American statements were drawn up and signed by Messrs. Gallatin and Preble, appointed by the Government for the purpose, the latter with a commission as Envoy Extraordinary and Minister Plenipotentiary at the court of the Netherlands. The

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British statements were certified by the Earl of Aberdeen, then British Secretary of State for Foreign Affairs.

These statements were laid before the King of the Netherlands on the 1st of April, 1830. On the 10th of January following, he handed to the ministers of the two Governments his decision on the points submitted. We now propose to give a very brief review of the three questions thus decided.

In a former number,* published previously to the drawing up of the statements above referred to, we went into a full examination of the most important of the questions embraced in this decision, namely, that which relates to the line of boundary between the State of Maine and the Provinces of New Brunswick and Lower Canada. In that article, we presented what we conceived to be the material facts and authorities, on which the decision of the question ought to rest, so far as we were able to collect them from public historical documents. The researches of our official agents have brought together a great accession of authorities for the corroboration of facts, which, however, are sufficiently proved by well-known historical documents. These serve to strengthen the case presented by our Commissioners, if any additional proof could be supposed to be necessary; but such an accumulation of proofs seems to be almost superfluous, as the argument in support of the American claim, embracing all the material points, which may be drawn from a few incontestible facts, appears to us to be conclusive, and entirely unshaken by the arguments of the opposite party. The effect of the multiplicity of proofs on the mind of the arbitrator, may have been to divert his attention from the strong points of the case, rather than to fortify the argument. We do not propose to repeat the argument in support of the view of the case which we have taken, and which appears to us to present one of the plainest questions which were ever made the subject of national controversy; nor do we propose to enumerate the new authorities in support of the view already taken, which have been produced by the official investigations, drawn chiefly from the documents furnished from the British offices. We will merely recapitulate a few of the facts, which will show that the line north of the St. John, claimed by the American Government, is as clearly defined by the words used in the treaty of 1783, as it can now be defined

* April, 1828, Vol. XXVI. p. 421.

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by any form of words whatever; and that the argument of the British Government, in support of the claim of a line south of the St. John, is not even plausible, or sufficient to excite the slightest doubt in the mind of any one who will look at the facts.

The boundary, as defined in the treaty, is to run 'from the north-west angle of Nova Scotia, viz. that angle, which is formed by a line drawn due north from the source of St. Croix river to the highlands, along the said highlands,' &c. What can be clearer, than that the angle, which is described as the place of beginning, is the point where the western boundary line of Nova Scotia, running due north, meets the northern boundary of Nova Scotia, running from east to west? The two lines, thus forming the angle, are described in the treaty, one as running due north from the St. Croix, and the other as running along the 'highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean.' Now it is argued in support of the British claim, and this constitutes the chief part of their argument, that the St. John is not a river which empties itself into the Atlantic, but one which empties itself into the bay of Fundy. We reply, that it is entirely immaterial to the argument, whether the St. John is properly described as a river emptying itself into the Atlantic, or not, though in point of fact, we insist, that it is properly so described. It does not depend upon this description to show which were the highlands intended. They are clearly the highlands, which, at the time of the treaty, formed the northern boundary of Nova Scotia, and as such formed one of the sides of the angle, which was to constitute the starting point of the boundary described in the treaty. This line is one about which there cannot be, and never has been, the least doubt. It is clearly defined in more than twenty documents of the highest authority, issuing from the British Government, from the year 1763 to the date of the treaty, and uniformly known and recognised, even to the present day. We quoted upon this point in our former article, the king's proclamation of October 7, 1763, establishing the province of Quebec, in which the boundary of that province is described as running 'along the highlands, which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea, and also along the north coast of the bay of Chaleurs;' the act of Parliament of 1774, for making more effectual pro-

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vision for the government of the province of Quebec, in which the province is described as 'bounded on the south by a line from the bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea;' and the royal commission to Montague Wilmot, as Governor of Nova Scotia, in which the said province is described as bounded to the northward, 'by the southern boundary of our province of Quebec,' and to the eastward by the river St. Croix to its source, 'and by a line drawn due north from thence to the southern boundary of our colony of Quebec.' Among the documents accompanying the statement of the case submitted to the arbitrator, was a series of royal commissions to the governors of the provinces of Quebec and Nova Scotia, which show, that the limits of the two provinces remained unaltered at the time of the treaty, and we believe they are in fact unaltered to this day. For example, in the commission from the king to Frederick Haldimand, Esq. as governor in chief of the province of Quebec, granted September 18, 1777, the boundaries of the provinces are described in part in the following words: 'bounded on the south by a line from the bay of Chaleurs, along the highlands, which divide the rivers that empty themselves into the river St. Lawrence, from those which fall into the sea, to a point in forty-five degrees of north latitude, on the eastern bank of the river Connecticut.' Mr. Haldimand continued in office, under this commission, until after the treaty, and on the 22d of April, 1786, a commission was granted to his successor, Sir Guy Carleton, in which the same boundary was thus described: 'On the south by a line *from the bay of Chaleurs*, along the highlands, which divide the rivers that empty themselves into the river St. Lawrence, from those which *fall into the Atlantic ocean, to the north-westernmost head of Connecticut river.*' It will be perceived, that here the precise words of the treaty are adopted, words of similar meaning having been used in all the descriptions of the boundary, from the proclamation of 1763; all of them describing a line of highlands extending from the bay of Chaleurs to the head of the Connecticut river. In the commission to John Parr, Esq. dated July 29, 1782, which remained in force at the date of the treaty, he was constituted 'captain-general, and governor in chief of our said province of Nova Scotia, bounded on the westward, by a line drawn

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from Cape Sable across the entrance of the bay of Fundy to the mouth of the river St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our colony of Quebec, *to the northward by the said boundary, as far as the western extremity of the bay des Chaleurs.*' How is it possible for any one, with these precise descriptions before him, to doubt what is the position of the north-west angle of Nova Scotia, or of the highlands, which indicate the line forming one side of the angle, and along which the boundary of the United States must run, from that angle? It is as certain, that the line of highlands terminates with the bay of Chaleurs, in one extremity, as that it strikes at the head of the Connecticut river at the other. It is consequently as certain, that the highlands described are those north of the St. John, as any fact in geography can be.

Yet, in the face of these authorities, without denying the correctness of one of them, the authors of the British statement contend, that the point designated in the treaties as the north-west angle of Nova Scotia, 'is found at or near an elevation called Mars Hill, which is situated in a due north line from the source of the St. Croix river, and south of the river St. John; that the highlands intended by the treaty are those extending from that point to the Connecticut river; and that the rivers Penobscot, Kennebec, and Androscoggin, are the rivers falling into the Atlantic ocean, which are intended by the treaty to be divided from the rivers which empty themselves into the St. Lawrence.' It would seem to be a sufficient answer to this remarkable pretension, that the point assumed is no angle whatever, but is a point in the middle of what is acknowledged to be the western line of Nova Scotia, running due north and south without any deviation;—that the point assumed is as far distant from the north-west angle of Nova Scotia, as constituted by the royal commissions limiting the jurisdiction of the province, as it is from the north-eastern angle;—and, finally, that the highlands here indicated, do not divide the waters which empty themselves into the St. Lawrence from those which empty themselves into the Atlantic, but divide the waters of the St. John from those of the Penobscot, both being Atlantic rivers, one terminating in the bay of Fundy, and the other in the bay of Penobscot, and each at a small distance from the Atlantic itself. To out-

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weigh these objections, the only argument which has the merit of being even plausible is, that in the description of the highlands in the words of the treaty, on the supposition that the American claim is correct, it is necessary to regard the St. John as a river which empties itself into the Atlantic ocean. A great portion of the argument in the British statement is directed to the point, that, as the St. John confessedly terminates in the bay of Fundy, it cannot be included in the description of rivers falling into the Atlantic. It would seem to be a sufficient answer to this argument, that the framers of the treaty could not have been ignorant of the existence of the river St. John, and that in describing either of the ranges of highlands in question, they must have had the waters of this river distinctly in view; yet they have described, in common with the other documents to which we have referred, only two classes of streams, one falling into the St. Lawrence, and the other falling into the Atlantic. The St. John certainly does not, in any possible construction of the words, fall into the St. Lawrence. It does, on the other hand, in a sense in which the language is often, and with entire propriety used, fall into the Atlantic; that is, it falls into the Atlantic through the medium of the bay of Fundy, a small arm of the Atlantic, in the same sense in which the Penobscot falls into the Atlantic through the Penobscot bay, the Androscoggin through the Kennebec river, and the Connecticut through Long Island sound. The description of the St. John, as a river that empties itself into the Atlantic, is intelligible and strictly proper; and although it might with equal propriety have been described as falling into the bay of Fundy, yet when the alternative is to regard it as either a river falling into the Atlantic, or one falling into the St. Lawrence, it must inevitably be regarded as included in the former description. But admitting that this point is doubtful, the designation of the highlands forming one of the sides of the angle, depends less on this description, as we have before shown, than on their forming the northern boundary of Nova Scotia, and being the range of highlands extending from the bay of Chaleurs to the head of the Connecticut river.

Feeble and inconclusive as this argument is, the royal arbitrator seems to have considered it as of some weight, and to have suffered it to divert his mind from the true point of inquiry, viz.; where is the northern boundary of Nova Scotia?—an inquiry indispensable for determining the position of the

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angle, which constitutes the point of commencement of the boundary line. He is pleased to consider the historical angle in the treaty of 1783, as a *petition de principe*, which expression, in the translation of the decision, is absurdly enough rendered 'a petition of principle.' It is true, that the angle described is in one sense an assumed point, the precise location of which was to be ascertained by the determination of other points; but the proper location of this point is as exactly determined by the description in the treaty, as if it had been described by the degrees and minutes of latitude and longitude. All that is necessary for establishing this point as a geographical boundary is, to make a practical delineation of the due north line from the source of the St. Croix, and of the boundary from the bay of Chaleurs westerly, between the provinces of Quebec, now called Lower Canada, and Nova Scotia, now called New Brunswick. There might be room for some difference of opinion, as to the precise point at which the highlands should meet the bay of Chaleurs, or the waters of the Ristigouche river; but no man can seriously maintain, that the northern boundary of Nova Scotia or New Brunswick meets the western boundary of the same province south of the St. John river, or that a north-western angle can be formed any where but at the meeting of those two lines.

The arbitrator argues, that the reference in the treaty to the boundaries previously existing between the provinces, does not imply the entire coincidence of the boundaries as settled by the treaty with those ancient boundaries, and mentions instances in which the boundary described in the treaty departs from that previously existing. This is very true, yet when the previously existing boundaries are evidently referred to for the sole purpose of determining a specific point, and are not even proposed to be altered, as is true in regard to the boundaries of Nova Scotia, it seems impossible to doubt, that these lines were to be taken as previously known by precise descriptions, and to serve as a substantial part of the description indicating the future boundary. But the arbitrator sees fit to throw them so far out of consideration, as not to suffer them to explain a supposed ambiguity in another part of the description.

The royal arbitrator having assumed that the description of 'rivers that empty themselves into the Atlantic ocean' does not necessarily include the St. John, and that the reference in

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the treaty to the boundaries previously existing between the provinces, does not imply the coincidence of the boundaries as settled by the treaty with those ancient boundaries, goes on thus to state the main principle on which he founds his decision. In quoting this part of the decision, we translate it a little differently from the official version.

'Considering that if, in the second place, in contra-distinction from rivers discharging themselves into the river St. Lawrence, we might, with propriety, according to the language ordinarily used in geography, include the rivers falling into the bays of Fundy and of Chaleurs, with those falling directly into the Atlantic ocean, under the generic denomination of rivers falling into the Atlantic ocean, it would be hazardous to include in this class the rivers St. John and Ristigouche, which the line claimed at the north of the St. John separates immediately from the rivers falling into the river St. Lawrence, not with other rivers flowing into the Atlantic ocean, but alone. For it would be wrong, in interpreting the boundary fixed by a treaty, in which each expression ought to have a meaning, to apply to two particular cases a description which would also include the Schoodac lakes, the Penobscot, and the Kennebec, which fall directly into the Atlantic ocean. We must therefore conclude, that the treaty of 1783 meant highlands separating, as well mediately as immediately, the rivers which empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean; a principle equally realized by the two lines.'

Having thus come to the conclusion, that both the highlands north of the St. John, and those on the south of that river, come within the description of highlands dividing the waters falling into the St. Lawrence from those falling into the Atlantic, he proceeds to state the considerations on which he rejects the claim, on the part of each, to a preference over the other, and finally comes to the conclusion, that as both lines answer this part of the description, and as there is no sufficient ground for giving one a preference to the other,

'It will be proper to adopt, for the boundary of the two States, a line drawn due north from the source of the river St. Croix, to the point where it strikes the middle of the channel of the river St. John; thence the middle of the channel of that river, ascending it to the point where the river St. Francis falls into the St. John; thence the middle of the river St. Francis, ascending it to the source of the most south-westerly branch, which source we mark on the map A by the letter X, authenticated by the signa-

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ture of our Minister of Foreign Affairs; thence a line drawn due west to the point where it unites with the line claimed by the United States of America, and traced on the map A; thence the said line to the point where, according to this map, it coincides with that claimed by Great Britain; and thence the line marked on the said map by the two powers, to the north-westernmost head of the Connecticut river.'

Thus, by adopting a construction not hinted at in the statements of either party; by assuming, contrary to the fact, that if the St. John and Ristigouche are to be considered rivers of the Atlantic, they are the only rivers, answering the description, which are immediately divided by the line north of the St. John, from the rivers emptying themselves into the St. Lawrence (for it will be seen on reference to both the maps in the case, that the sources of the Androscoggin and Kennebec, and in one of them, of the Penobscot, are contiguous to that line); by throwing out of the case those parts of the description which refer to well-known existing boundaries between the Colonies, the arbitrator comes to the conclusion, that the treaty contains no description susceptible of a definite interpretation. He comes to this conclusion at the expense of making what appears to us an important clause in the treaty without meaning, at the expense of involving the mathematical absurdity of supposing an angle in the middle of a continued straight line, and of adopting, as the true interpretation of the treaty, in the place of the highlands described, the channel of a river, affording a line the most remote possible from the highlands, claimed by either party.

It is very apparent, that the arbitrator was led to adopt this very awkward construction, by the desire of finding some principle on which he might divide the territory in dispute between the two parties, and thus avoid the unpleasant alternative of deciding against the claim of one of them. The decision has been regarded by some as not intended to be an actual award, under the terms of the submission, but merely a recommendation of terms of compromise, which are not binding as a judgment on either party, but are merely proposed to them for their voluntary adoption. We do not so consider it. The arbitrator apparently intended to decide, that the treaty itself affords no ground for giving a preference of one line over the other, that the uncertainty is of a nature not to be removed by further surveys or evidence, and that, therefore, it is proper, as

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a matter of right, and as the only mode of settling the point at issue, to take an intermediate line between the doubtful points. Having decided that the boundary ought to be on an intermediate line, he proceeds to determine where that line ought to run.

The tract of country in dispute embraces an extent of about seven millions of acres, occupied by three thousand inhabitants. This decision assigns about two millions of acres to Great Britain, and five millions to the United States. The inhabitants are settled chiefly on the banks of the river St. John, and in about equal numbers on the two sides of the river. They are chiefly of French origin, being in part descendants of the Acadian French, and in part emigrants from Canada. The country through the whole valley of the St. John, is nearly level; it is covered with valuable timber, and has a good soil. It has been regarded as a valuable portion of the State of Maine, which would in the course of a few years be covered with inhabitants of New England origin. The portion assigned by this decision to Great Britain is particularly valuable to the adjoining provinces, on account of the communication which it affords between the two. The inland route from Nova Scotia and New Brunswick to Quebec passes through this territory, following the course of the St. John and Madawasca rivers. These rivers are fine navigable streams. The St. John is navigated for two hundred miles within this territory, like a canal, by boats towed in their ascent by horses travelling on the smooth, gravelly banks, and in their descent floated down by the rapid current of the river.

The American Minister at the Court of the Netherlands, regarding this decision as a departure from the authority given to the arbitrator, under the convention of 1827, and the treaty of Ghent, immediately entered his protest against it, on the ground that it abandons altogether the boundaries of the treaty, and substitutes for them a distinct and different line of demarcation.

The Legislature of Maine also, in the report adopted by them, named at the head of this article, declare the decision to be null, and not binding upon the Government of the United States, on several grounds. The first of these is, that by the terms of the treaty of Ghent, the question was to be referred to the decision of some friendly sovereign or State; that by agreement between the parties, it had been referred to the King of the Netherlands; but that before the decision was

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made, the sovereign so selected, ceased to be the King of the Netherlands, having lost three fifths of his dominions, and become only King of Holland; and that from the circumstances attending this change of his situation, he had become dependent on the Government of Great Britain, and under the necessity of maintaining friendly relations with it. There might have been some force in this objection, had it been urged as soon as the change on which it is founded occurred, and before the decision was made; but it must be considered as waived, by the neglect to state it during a period of several months after the occurrence of the circumstances on which it is founded, and until after the decision was made known.

The second ground on which the Legislature of Maine insist that the decision is not binding, is that alluded to above, that the arbitrator has in fact made no award, but has merely given his advice. The Government of the United States, they say, 'cannot feel themselves bound to adopt or be governed by the advice of the arbiter, particularly when his advice was not sought or asked by them, and was given at a time when his situation gave him peculiar inducements for favoring Great Britain.' On this point, we have expressed an opinion above.

The next ground on which they deny that the faith of the United States is pledged to a compliance with the decision, is, that it is a departure from the question submitted.

'The question,' they say, 'submitted to the arbiter, was not a question of *law* or *equity*, it was barely a question of fact, and he only had authority to decide the fact under the treaties and the claims which had been set up under them by Great Britain and the United States. His authority was limited to decide whether the line claimed by Great Britain on the south, or the line claimed by the United States on the north of the St. John, was the line intended and described in the treaty of peace of 1783. The authority of drawing or recommending a new line, however much it was for his interest to do it, or for the interest of the British that it should be done, was not conferred by the Convention. The arbiter not having pursued the authority conferred on him by the "high interested parties" in his decision, but having drawn a new line, not on the land, but in the beds of rivers, in a considerable part of its course in direct violation of the terms of the treaties and Convention, and the claims of the respective parties, from which all his authority was derived, it necessarily follows, that his decision is null and void, and ought not to be regarded by the United States as having any force or effect.'

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There is certainly much force in this reasoning; yet it is difficult to adopt the conclusion which is drawn from it, without assuming that the arbitrator has exhibited a great want of understanding, or has not acted in good faith, in the manner in which he has discharged the duty which he had undertaken. In an extreme case, where very important national interests were involved in the decision, there can be no question that such a course would be justifiable. But in the present case, it may well be doubted, whether the magnitude of the interest involved, is such as to render it expedient or proper. It would be extremely discourteous to the sovereign, who, from the impulse of friendship and good will, had undertaken the difficult task of attempting to settle a controversy between the two nations, who has evidently bestowed much time and attention upon it, with a sincere desire of possessing himself of its merits, and who has erred in judgment, from the influence, probably, of too strong a desire of avoiding offence to either party. And what, after all, is the wrong which is done us by the decision? We conceive that we have a clearly demonstrable title to the whole country claimed by us. Our claim, however, is questioned, and an adverse claim is asserted by Great Britain, with as much pertinacity as we can exhibit in defence of our own. We have agreed to submit to arbitration this question of conflicting claims. We cannot, therefore, assume the ground that our title is unquestionable, and if we could, we must do it at the hazard of those lamentable consequences which may always result from angry national controversies. Less than a third part of this disputed territory has been awarded to the adverse claimant. It is a part which from its local situation is peculiarly desirable to him, and for the same reason, as well as from its extremely northern position, least valuable to us. By the same act which takes from us this portion of disputed territory, we obtain an undisputed title to another portion, of more than twice the extent, more favorably situated and of greater intrinsic value. What is more, we get rid of a most exasperating controversy between the State most directly interested and the adjoining province, and between our own Government and the nation with whom it is of the greatest importance that we should remain at peace. Under these circumstances, we conceive that we are bound in courtesy to the sovereign, who has endeavored to render us a service, in the discharge of a difficult office of friendship, by

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a regard to the honor of the nation, which should make us punctilious in the performance of engagements, even under circumstances which might strictly release us from the obligation, and by sound policy, which should lead us to avoid occasions of controversy with other nations, at some sacrifice of our strict rights, to accept the award which has been made by the King of the Netherlands, and to carry it into immediate execution.

This course appears to be the more reasonable, as on another branch of the decision, which we have yet to notice, a reservation is made in our favor, in a manner equally incompatible with the terms of the submission, and as it is extremely difficult to imagine how these questions of controversy are to be settled, unless on some terms of compromise, in which each party shall yield something of what it conceives to be its just claims, to the spirit of conciliation.

There are some doctrines, maintained in the report above referred to, which deserve notice. The Legislature of Maine say in this report, 'This State has never admitted the authority of the Convention, and cannot consider her rights compromitted under it;' and again, 'Should the United States adopt the document as a decision, it will be in violation of the constitutional right of the State of Maine, which she cannot yield.' These passages amount to a denial of the authority of the Government of the United States, to settle the controversy with Great Britain, in a manner which it may judge most proper, and of its right to relinquish, in the way of adjusting the controversy, any part of the territory to which it has laid claim, without the consent of the State of Maine. This doctrine appears to us apocryphal. If the Government of the United States have not full authority to negotiate for the settlement of the controversy, we do not see who has; and if it fall within their province, as possessing exclusively the treaty-making power, to make this adjustment, they must have the necessary powers for carrying it into effect. We are willing to concede, that the Government would have no right to make any cession of the territory of a particular State, unless in a case of urgent necessity, without the consent of the State; but the yielding of a portion of territory, claimed by a State, but never conceded to it, for the sole purpose of settling, on the best terms which can be obtained, the true limits of the State, cannot be regarded as a cession of territory. We cannot,

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therefore, conceive that any compact, entered into in good faith for the best practicable adjustment of a disputed line of boundary, by arbitration or by compromise, can be considered a violation of the constitutional rights of the State. If in the making of such compromise, any part of the just rights of the State are sacrificed for the attainment of an advantage to the Union in any other quarter, we see no reason why the State should not receive a just indemnity from the General Government, for the sacrifice so made.

It remains for us to explain in what manner the two other questions, referred to the decision of the arbitrator, have been determined by him. The sources of Connecticut river were ascertained, and delineated on a map by Dr. Tiarks, the British astronomer. The accuracy of this map was admitted by the agent of the United States. It exhibits four principal branches of nearly equal dimensions, all uniting in one near the forty-fifth degree of latitude, called the Connecticut river, Perry's stream, Indian stream, and Hall's stream. The Connecticut, which is situated east of the three others, is designated as the main branch, not merely by its name, and by its flowing through three lakes, called Connecticut lakes, but by receiving separately the waters of the other three. These streams are accurately delineated on Hale's Map of New England, as copied from the map of Dr. Tiarks. In proof that the eastern branch was known by the name of Connecticut river, above the confluence with it of Hall's and Indian streams, a grant of a tract of land from the State of New Hampshire to Dartmouth College, made in the year 1789, was exhibited by the British Commissioner, bounded on one side by this eastern branch, which is there named the Connecticut river. Hall's stream, the extreme western branch, falls into the main branch a quarter of a mile below the old boundary line; and Indian stream three miles above it. The Commissioner on the part of the United States contended, that the head of the west branch of this last named stream is the true north-westernmost head of Connecticut river intended by the treaty, this being the western branch into which the river is divided, above the point supposed in 1783 to be the forty-fifth degree of latitude. The arbitrator overruled this claim, and decided in favor of the British claim, establishing the eastern branch as the Connecticut river to the most northerly of the three lakes, and that the stream situated the farthest to the north-west of those which

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fall into this lake, must be considered as the north-westernmost head of the Connecticut river.

Some opinion of the value of the territory thus adjudged to Canada, may be formed from the report of a Committee of the New Hampshire Legislature, made after an examination of this tract of country in the year 1824. They did not make an actual survey of it, but from such computation as they could make, they estimated its extent to be about one hundred and forty, or one hundred and fifty thousand acres, and about half of it to be good land, capable of being converted into good and productive farms. This half of the land is covered with a heavy growth of rock maple, beech, and birch timber, interspersed with bass, spruce, and white pine, indicating a rich and fertile soil. The other half is of a very inferior quality, composed of mountains and swamps. They supposed twelve and a half cents an acre to be a fair estimate of its average value. The whole number of families then settled on this tract of land, was fifty-eight, possessing in all a population of two hundred and eighty-five souls. The lands on which these settlements were made, were described as in general of excellent quality, and as having produced, in the preceding season, as good crops of English grain, as any farms in the State of New Hampshire.

The other subject of the reference was the ratification of the northern boundary of Vermont and New York, to conform with the forty-fifth parallel of latitude. The history of this question exhibits very little proof of sagacity and caution, on the part of the American claimants. By the royal proclamation of October, 1763, establishing the province of Quebec, that province was described as bounded on the south by the forty-fifth parallel of latitude, from the St. Lawrence to the Connecticut river. Subsequently to this date, Governor Moore of New York, which province then extended its jurisdiction to Connecticut river, and Governor Carleton of the province of Quebec, having ascertained by astronomical observations, the points through which the forty-fifth parallel of latitude would pass, made a report thereof to the British Government, and on the 12th of August, 1768, an order was issued by the king in council, confirming these proceedings, and directing that 'the line of division should be run out, and continued as far as each province respectively extends.' Instructions were given to the provincial authorities for carrying this order into effect, and a line was accordingly surveyed and marked along the supposed

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forty-fifth parallel of latitude, from the east side of Lake Champlain, where the observations for determining the latitude had been previously made, to the Connecticut river, by Thomas Valentine, deputy-surveyor on the part of the Province of New York, and John Collins, deputy-surveyor of the Province of Quebec, in the years 1771 and 1772. They terminated their line on Connecticut river, two miles and five eighths of a mile above the mouth of Hall's Brook, following the course of the river, and ninety and a quarter miles due east from the boundary fixed on Lake Champlain. In 1773, the line was run west from Lake Champlain, by the surveyors of the two provinces, fifty miles, and in 1774, it was completed to the river St. Lawrence, by John Collins alone, duly appointed to act for both provinces. A plan of the line, surveyed and completed, October 20, 1774, was returned by John Collins to the office of the Secretary of New York, where it still remains; and the Legislative Assembly of New York, by two acts, appropriated eight hundred pounds for the share of the expenses of the province, in running out, marking, and completing this line. The line thus established was made the limit of the grants of the adjoining lands, by the governors of the two provinces, and it has to this day been the limit of the jurisdiction of the two Governments.

There seems to have been no good reason for disturbing a line of boundary thus established, and so long acquiesced in. In the fifth article of the treaty of Ghent, however, it is declared that the part of the boundary between the two countries, from the source of the St. Croix to the St. Lawrence, including, by a definite description, that part which extends along the forty-fifth degree of latitude, 'has not yet been surveyed;' and it is expressly provided, that it shall be surveyed and marked, according to the provisions of the treaty of 1783. It appears that the Government of the United States were led into this error, and into a belief that the actual limit of jurisdiction between the two Governments was too far south, by some proceedings had several years ago, under authority of the State of Vermont. Dr. Williams, in his History of Vermont, says, 'Much pains were taken by the provinces of New York and Canada, to ascertain the latitude of forty-five, by astronomical observations. This was done by Commissioners from both provinces, in the month of September, 1767. At the place where the line crosses Lake Champlain, they erected a monu-

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ment of stone, which is yet standing. The line was afterwards run in the year 1772, by J. Carden and J. Collins of Quebec, but with great error. By order of Governor Tichenor, in 1806, I examined the situation of this line in the eastern part of the State. By astronomical observations, I found the monument they had erected on the eastern bank of Lake Memphremagog, was in the latitude of forty-four degrees, fifty-three minutes, forty-six seconds; and at Connecticut river, their monument was in the latitude of forty-four degrees, forty-seven minutes, fifty-nine seconds. Admitting their line to have been run in a straight course, this would imply an error of eight degrees, fifty-two minutes, nineteen seconds in the direction, and occasions the loss to Vermont of 401,973½ acres of land; equal to 17 44-100ths townships.' A similar statement was made by the Governor of Vermont, in his speech to the Legislature, in October, 1806, and he intimated the propriety of making an application on the subject to the national Government. The gross error into which Dr. Williams fell, must be attributed to his want of the proper instruments for making accurate observations, and his want of practical experience, which would have enabled him to detect their inaccuracy. On the other hand, several communications were made to the provincial Government of Lower Canada, which led them to the belief that the existing boundary was too far north. The surveyor-general of Lower Canada in 1807, made a report to the administrator of the Government, in which he stated that the line was evidently crooked, and assigned grounds for believing that it encroached on the province as much as three geographical miles at the Connecticut river, and one mile on the meridian of Montreal. In this state of the impressions of the two parties, it is not remarkable that both Governments were ready to accede to a proposition for a re-survey and rectification of the boundary, and that a provision for that object was made in the treaty of Ghent.

We have already stated the proceedings of the Commissioners under this treaty, and the results of the surveys made under their direction. The question is thus presented in the American statement.

'According to the observations of latitude taken by astronomers appointed in pursuance of that article, the forty-fifth parallel of north latitude appears to be about three quarters of a mile

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south of the abovementioned old line on the Connecticut river and on Lake Champlain; though it nearly coincides with the said line on the river St. Lawrence. The question referred is, whether under the treaties of 1783 and of Ghent, the old line may continue to be considered as the boundary of the United States, or whether this shall be surveyed anew, according to the late observations of latitude.'

The statement goes on to recite, that this part of the line had been ascertained by observations deemed proper at the time, and officially surveyed under the provincial Governments and confirmed by the Crown; that the line had been for more than thirty years from the treaty of 1783, held as the boundary between the two countries, without any proposition from either Government to have it re-surveyed or altered; and that, nevertheless, the treaty of Ghent assumed that it had not been surveyed. They therefore submitted the question, whether, according to the true spirit and intent of the treaty, the part of the line which was thus shown to have been in fact surveyed and determined by competent authority, was not excepted from the provision, which directs the boundary to be surveyed, and ought not to remain as heretofore, the boundary between the two countries.

In the British statement it is averred, that the negotiators of the treaty of Ghent were not unacquainted with the existence of the old line; and that no reluctance was shown on the part of the United States to carry on the operations for the determination of the parallel of latitude under the Ghent commission, till some time after it was known that the changes which would be produced by the correction would be mainly against the interest of the United States, principally by the loss of the fortifications at Rouse's Point, on the western bank of lake Champlain. The statement concludes by maintaining, as a point clearly proved, that there was sufficient reason for making provision for running and marking the line on the parallel of latitude anew; that the provision for such a re-survey is clearly expressed in the treaty; that there is no reason to doubt, that it was the intention of the negotiators who framed the treaty, as well as of the Governments who ratified it, that a new line should be established; that both Governments sanctioned for several years the measures which were taken for carrying into effect this particular provision; and that Great Britain was entitled to insist on having the fifth article of the treaty of Ghent carried into complete effect.

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The decision of the arbitrator on this branch of the question is to the following effect.

'Considering: That the fifth article of the treaty of Ghent of 1814, does not stipulate that such portion of the boundaries which may not have hitherto been surveyed, shall be surveyed; but declares that the boundaries have not been, and establishes that they shall be, surveyed;—that, in effect, such survey ought, in the relations between the two powers, to be considered as not having been made from the Connecticut to the river St. Lawrence, named in the treaties Iroquois or Cataraquy, since the ancient survey was found to be incorrect, and had been ordered, not by a common accord of the two powers, but by the ancient provincial authorities;—that in determining the latitude of places, it is customary to follow the principle of the observed latitude;—and that the Government of the United States of America has erected certain fortifications at the place called Rouse's Point, under the impression that the ground formed part of their territory,—an impression sufficiently authorized by the circumstance that the line had, until then, been reputed to correspond with the forty-fifth degree of north latitude,

'We are of opinion: That it will be proper to proceed to fresh operations to measure the observed latitude, in order to mark out the boundary from the river Connecticut, along the parallel of the forty-fifth degree of north latitude, to the river St. Lawrence, named in the treaties the Iroquois or Cataraquy, in such manner, however, that, in all cases, at the place called Rouse's Point, the territory of the United States of America shall extend to the fort, which is established there, and shall include that fort and a circle about it of a radius of one *kilometre*.'

The fortification thus reserved to us, was erected by our Government on the western bank of lake Champlain, soon after the date of the treaty of Ghent. It was intended to be a work competent to withstand a siege, and to mount about three hundred cannon. It is situated between the old boundary line and the ascertained forty-fifth degree of latitude. The reservation of a circuit of a *kilometre*, which is equal to about two hundred rods, will probably extend our frontier at that point to the old boundary. It will be observed, that the part of the decision, which makes this reservation, is of precisely the same character, as that part of the award on the first branch of the question submitted, which substitutes the channel of the river St. John, for the highlands described in the treaty, as the north-eastern boundary. The only question, in

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relation to this part of the boundary, to be decided under the treaty of Ghent and the convention of 1827, was to determine, by practical observations and surveys, the precise points through which the forty-fifth parallel of latitude actually passes, and to mark that line as the boundary designated by the treaty of 1783. No authority is given, to make any reservation or exception from the results of a line to be so drawn. The reason assigned by the arbitrator, for making this exception, would be a good one, if the parties had not agreed to abide by another principle in settling the question, and the same reason would have applied with equal force to the whole line. Our own Government must of course be satisfied with the reservation in our favor, and the British Government should accede to it, on the same principle, on which we have argued, that we ought to accept the decision on the other question. In one case, a tract of land important to the British provinces, as affording the means of easy communication between them, is awarded to Great Britain; in the other, a fort built by our own Government, at a very great expense, on land which is found to be within the British boundary, is restored to us by this decision. It is not material, whether the advantage gained on one part is an exact equivalent for what is gained by the other. It is sufficient that each party makes a valuable acquisition under the award, and that what is lost by each is of little moment, compared with the disadvantage of holding it by a disputed title, and with the mischiefs of a long protracted controversy. The objection, that the sacrifice which is made in the loss of territory falls upon one State, while the advantage gained accrues to another or to the Government of the Union, would be easily removed, by granting, as an indemnity to the State suffering the injury, the value of the possession acquired. The value of the territory lost by Maine, as a saleable property, although it may have for the most part a good soil, cannot be very great, and the right of jurisdiction over so remote a tract of territory, enclosed between two foreign provinces, and inhabited only by a small number of half-civilized people, speaking a foreign language, who have settled themselves upon it, without authority from either Government, must be still less.

We cannot close this article, without expressing our surprise at the course which this controversy has taken, under the commission appointed in compliance with the provisions of the

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treaty of Ghent, and the subsequent proceedings. The questions to be settled were of the plainest kind; and although they required laborious investigations for ascertaining the features of the country, by which the line of boundary was to be determined, they involved not one point of real doubt or difficulty. It appears hardly possible, that a person free from any bias arising from border prejudices, or a feeling of interest in the result, should doubt upon the proper decision of either of the points in question; that any two persons of sound understanding, after a fair investigation of the facts in the case, should differ in their judgment upon them. In so clear a case, it might have been fairly expected that the Commissioners appointed under the treaty, as a tribunal to decide these questions, looking only to the merits of each question, would have met them without regard to the paltry consideration, whether the result were favorable or adverse to the interest of the Governments, from which they respectively received their appointments. The Commissioners unfortunately took the part of advocates, and not of judges. On no other ground, can we account for the decision of the British Commissioner, by which he would establish the north-west angle of Nova Scotia at Mars Hill, where there is no angle whatever in the boundary of that province, but a straight mathematical line; or for the judgment of the American Commissioner, that the treaty of Ghent does not require a survey of the line along the forty-fifth parallel of latitude, in opposition to the express words of the treaty, which provide that the Commissioners to be appointed under the treaty, shall cause that boundary to be surveyed and marked. Proceedings in a similar spirit would not be creditable to a board of referees, acting in the most insignificant case, under the jurisdiction of a county court; much less are they of a character to give an enviable renown to a tribunal established for the purpose of deciding questions affecting the repose and mutual good understanding of two nations.

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